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TWENTIETH ANNUAL MEETING
NATIONAL ADVISORY BOARD COUNCIL

FEBRUARY 23-25, 1960
WASHINGTON, D.C.

March 3, 1849

UNITED STATES
DEPARTMENT OF THE INTERIOR
FRED A. SEATON, SECRETARY

BUREAU OF LAND MANAGEMENT
EDWARD WOOZLEY, DIRECTOR

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WASHINGTON, D.C.

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Delegates and Participants in the Twentieth Annual Meeting of the National Advisory Board Council for Grazing, February 23-26, 1960, Washington, D. C.

Standing Left to Right

Milton T. Jones, Idaho
John A. Carver (Senator Frank Church's office, Idaho)
Lee Walker (Senator Howard Cannon's office, Nevada)
Ralph Faulkner, Idaho
Roy Whitacre (Senator Alan Bible's office, Nevada)
Cyril L. Jensen, Range and Forestry Officer, Area 3
Frank O'Connell, Montana
Robert Wolf (Senator James Murray and Mike Mansfield, Montana, and Senator Richard Neuberger, Oregon)
Henry Gerber, Oregon
Arthur Valdez (Representative Joseph M. Montoya's office, New Mexico)
Floyd Lee, New Mexico
Gene Etchart, Montana
Clarence Grieves, Wyoming
Dan Hughes, Colorado
W. B. Wallace, Area Administrator, Area 3
A. D. Brownfield, New Mexico
R. D. Nielson, Assistant Range Staff Officer
Leonard Horn, Colorado
Briant Stringham, Utah
William Reavley, National Wildlife Federation
Mark W. Cannon (Representative Henry Aldous Dixon's office, Utah)
Lee Esplin, Arizona
Stanley McKnight, Utah
Charles Mead, Assistant Director, BLM
Earl J. Thomas, Associate Director, BLM
G. M. Kerr, Range Staff Officer, BLM
James F. Doyle, Area Administrator, Area 1
Leon R. Nadeau, Range Officer, Area 1
J. H. Tudor, Solicitor's office
Chesley P. Seeley, Range and Forestry Officer, Area 2
Neal Nelson, Area Administrator, Area 2

Seated Left to Right

Warren McLean, Oregon
George N. Swallow, Nevada
Fred Strosnider, Nevada
John Hay, Jr., Wyoming
Keith Thompson, Representative, Wyoming
Edward Woozley, Director, BLM
David S. King, Representative, Utah
Henry Evans, California
Murray Doyle, California, Wildlife Representative, Area 1
Elmer Williams, California
Robert O. Larimer, Montana, Wildlife Representative, Area 3
Garnet Kidd, Idaho, Wildlife Representative, Area 2

Absent from Picture

Vard Heaton, Arizona

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington 25, D. C.

FOREWORD

To Members of the National Advisory Board Council:

The 20th annual meeting of the National Advisory Board Council again was characterized by the active participation by all of the members and resulted in many helpful recommendations. Of particular concern, at the time of the meeting, was the outlook for appropriations for the 1961 fiscal year for grazing administration, soil and moisture conservation, and weed control. Fortunately, the outlook has somewhat improved since our meeting.

On behalf of the Department and the Bureau I wish to extend our appreciation to the members of the National Council and to all advisory board members for their constructive suggestions and recommendations concerning the conservation and balanced use of our public lands.

Edward Woozley
Director
Bureau of Land Management

DEPARTMENT OF THE INTERIOR

- - -

BUREAU OF LAND MANAGEMENT

- - -

NATIONAL ADVISORY BOARD COUNCIL

- - -

Twentieth Annual Meeting

Conference Room 5160
Department of the Interior
Washington, D. C.
Tuesday, February 23, 1960

The twentieth annual meeting of the National Advisory Board Council convened at 10:04 a.m., Mr. A. D. Brownfield (cattle representative from New Mexico), Chairman, presiding.

PROCEEDINGS

MR. BROWNFIELD: The twentieth annual meeting of the National Advisory Board Council will come to order.

To get everybody acquainted, everybody stand and give your name, beginning with our Council member on the right.

(Introductions)

MR. BROWNFIELD: Thank you, gentlemen. We are mighty glad you could be back here with us once more.

We have only one member of the Council absent, Judge Hughes. He was over in my house last week and promised to be here.

MR. ESPLIN: He was here.

MR. BROWNFIELD: We have a mighty good setup here with those who are making reports as we go through our meetings the next two or three days.

You men who are going to ask any questions and talk, we have a very excellent reporter here, so please give your name as you rise and talk plain enough into the mike before you.

Mr. Director, I have no complaint at this time. Last time I made one or two. As we left, the minutes of our meeting were to be sent to us in the next sixty days. It got to us in December. They are very excellently prepared.

I had a letter from a Mr. Beasley in October saying that the minutes verbatim would not be kept any more. When I had a letter from Mr. Wallace in December, late, calling attention to this meeting, inviting us to write him or the Director and give any topic that we might like to have discussed, I commented on the lateness of receiving the minutes. The very next day, I got a copy. I don't know whether they telephoned down and had a copy sent to us or whether Mr. Wallace had already previously mailed it. It was just ten months late. However, it came in an excellent form and I think a great deal of information is contained in it. If you refer back to the minutes of last year, you will find a great many topics were thoroughly discussed beneficially.

The only reason I am bringing this up is that our local advisory board members are very cognizant of what goes on up here and they like to know what has happened. For that reason, every time I meet one of them, I have been asked all last year, "Where are the minutes? Where are the minutes?" So I am hoping, Mr. Director, that the minutes of this meeting will come to us quicker, so that we won't have to try to remember and explain what all took place. We can just say, "Here it is; take it and read it."

I believe the first item on the agenda is a report from our Director.

Mr. Woozley, we are happy to have you with us.

MR. WOOZLEY: Thank you very much, Chairman Brownfield.

We plead guilty being late in the report this year. We hope you all have a copy.

There is a nice picture in the front showing the group that was here last year.

I am sure we will have equally as good a meeting this year as we did last.

There is one face missing today I am sure you all are aware of and that is Riley Pearson. Riley was killed in a car accident in June. While I don't like to make excuses, I think that is one of the reasons our report was late. We were just compiling the report and Riley had an important part in it, so the report was delayed.

I think our manner of reporting last year was also responsible. We had a tape recorder. This year we have a reporter.

If some of you forget, Mr. Chairman, to say who you are, we have two gentlemen here who can help the reporter out. So you try to remember to say who you are and where you came from; if it bothers you, I am sure we can get it in the record.

It is a real pleasure to meet with this group of outstanding people this morning, not only you folks on the Advisory Board Council, but those of you who are from out in the West.

Here is Judge now.

Glad to have you, Judge. Here is a chair right here, Judge. Those who are tardy have to be penalized so we put them in the front row.

MR. HUGHES: I have been walking up and down this building.

MR. WOOZLEY: We will excuse you.

We have just started.

At any rate, there are many of you here who represent other groups, wild life groups, loan groups, information people, and chamber of commerce and others. We are glad to have all of you here.

It always does us a lot of good to get these groups together and discuss our progress and, while I don't like to say, to discuss our problems I presume.

We always look forward to this meeting and we feel sure a lot of good will be accomplished.

The first thing I would like to tell you about, I know you all are interested in, is finances. And during the last fiscal year, we collected $136,721,000. Our operating expenditures amounted to $24,652,000. The breakdown of earnings is about like this: Sales of public lands and materials, $4,239,230; fees and commissions, $1,265,544; mineral leasing, $92,464,918; mineral leasing, outer continental shelf, $3,412,204; grazing fees, $3,228,332; right-of-way leases, $127,211; O & C and Coos Bay timber sales, $28,960,105; other timber sales, $2,790,755; and miscellaneous receipts, $232,572.

Our 1961 budget has been submitted to the Department. We submitted our request along about last August. We have appeared before the Bureau of the Budget and have been given our mark-up from the Bureau.

Our request was in the President's Budget Message to Congress and we have appeared both before the House Subcommittee on Appropriations and the Senate Subcommittee, which is unusual. The total operating budget, less construction, requested for 1961 was $24,475,000, a decrease of $177,000 in operating funds from the current fiscal year.

We will tell you as we go along just how these are broken down.

We have also been over before the committee asking for a supplemental request of $2,800,000 to defray fire suppression costs. Our obligations for fighting fire up to December 31 were $2,399,499, and we expect it will require something over $800,000, $800,501, to care for our fires through the balance of the fiscal year, up to July.

As you gentlemen always know, we program starting at the district level, to the state, to the area, and to the central office. We have three types of district offices, land offices, forestry offices, and range management offices. We prefer to call them just district BLM offices.

We start programming at the district level and then it is reviewed by the state staff officers, and later the state program is reviewed by the area officers. The coordinator and area administrators come here and we work the program into the Washington office and the eastern states programs, and then go up to the Department of Interior with our request.

As you know, the Department of Interior works, as all of the other departments do, on a ceiling, and so we have to compete, so to speak, with every dollar that we get with other agencies within the Department of Interior. This year we didn't do so well.

We try to program so that we can determine which would have the highest priorities in our programs. Of course in our land and mineral work, usually our backlog of field work and adjudication are the things we are trying to get out. In our conservation work, we are concerned not only with the conservation program, but with the proper administration of these programs.

We feel that it's more or less a waste of money to practice a weed control and eradication program, soil and moisture programs of various kinds, watershed and detention dams, seeding programs, fences, and all that, unless you can manage them after you once get your program rolling. We have been short on management funds. But we are completing to some extent our adjudication program, which is probably the first step in setting up a stable range program.

Now we are working on a long-range program which will run from the year 1812 to 2012. Of course we are only concerned now in our programming for the years from now, 1960, to 2012. This long-range program has been broken into two parts, and I am sure that you will get the program picture as we go along, but we first -- I think the first program is for 1985, isn't it, Earl? The short-range program for 1985 and the long-range from 1985 to 2012.

Our program is a little more difficult than some agencies because we don't know just what lands we are going to be dealing with. As you know, this is the only agency that has the unreserved, unappropriated public domain. So that our lands, the lands we manage, are available for a higher use.

It's rather difficult for our lands and minerals people to attempt to determine just what lands we will be managing in the year 2012 and which lands will be turned back to our management from the military and from other reservations. But we do believe we have a pretty good program lined up. It has not yet cleared the Department, but was due over in the Senate Committee sometime during the month of February.

I might just discuss very briefly the progress, if we may, during the past year in each of our activities.

The first is our cadastral surveying, which is the placing of the actual marker to determine the identification of lands on a system which determines the section, township, and range. And it is the base for all our management programs. In other words, unless you know which lands you actually own, it is rather difficult to determine just what you should do with them.

We can report that in the past year, we completed new surveys and resurveys on 1,900,000 acres of public domain land. Some of these were to satisfy public school grants, such as in the State of Utah or California where the grants had never been made because of the rough terrain and the fact many, many of these sections could not, under old systems, be surveyed.

As we told you last year, we are using helicopters, two-way radios, and now an electronic measuring device known as a tellurometer to determine the distances on these, and our program is coming along pretty well.

We have one other grant yet to satisfy, I might mention, that will be a little difficult; that is for the new State of Alaska. They get something over 103,000,000 acres for their school grants. They are allowed to select large blocks of land. They can't select smaller than 5,760 acres in a block unless isolated. And we are supposed to survey the exterior boundaries of those. We know that where there are claims on the interior, that many times we will have to do a lot of surveying inside the markers on these selections.

Up to the present time, we have been building our crew to its full potential, training the people for Alaskan work, and we expect to be able to make a considerably better showing next year in our Alaska surveys than we have up to now.

We are also using a protraction system in Alaska which actually sets a grid based on the known points we have up there now; and then when the surveys are made, they will be made to fit the grids and the records will be made accordingly.

We also will be using that protraction program on the unsurveyed areas in the western states for management purposes until we can get surveys made. Many of these will never need to be surveyed, however. These afford a basis for description of areas in practically all phases of our operation except the actual transfer of title.

We expect to prosecute diligently our survey program for management of timber trespass, which is a big problem in the Pacific Northwest, on O & C lands. We are using the most modern methods, as we said before, using electronic means, aerial photogrametry, helicopters, other aircraft, two-way radio, and every other means we have at our disposal.

We have a forestry program that many of you may know about, particularly those of you from Oregon I am sure are familiar with it. But we manage some two million odd acres in western Oregon known as the Oregon and California grant lands. They are managed under a somewhat different system than the public domain inasmuch as the Oregon and California counties receive 75 per cent of the revenues in lieu of taxes. Each alternate section up there was privately owned at the time we took over management of these alternate sections of federally owned land, so our road problems up there are terrific.

I think our boys in Oregon and in Area I are doing a fine job in getting road regulations and road agreements worked out.

You will be interested to know that our total sales of timber last year ran to $32,400,000 and it looks like this year, it will exceed $35 million. We are actually getting higher prices this year than last year, and we have a new inventory in the O and C land, so we can offer for sale a billion board feet of timber for this year. This will be very helpful to the economy of the Pacific Northwest, and I am sure many of you will have some questions to ask our foresters as we go along concerning the operations of these lands.

There is an amendment made in 1958 to the Small Business Act which permits set-asides of small timber sales for persons and companies who employ less than 250 men, I think it is now. And only those who have a small business under that category would be permitted to bid on those sales. We have had some scheduled but I doubt that we have held any SBA sales.

We are cooperating through a memorandum or understanding with the Small Business Administration and we expect the first set-aside timber sales to be offered during 1960, December.

There is some discussion between us and SBA whether or not industry should request these sales. There is some feeling it should be requested by industry and I understand in northern California, the sales have been pretty good under SBA, mostly in the national forest. But we are working on the program so we can come under that if there is a real need for Small Business set-aside sales.

We have been going ahead on our reforestation program during the last year. As you know, most of our reforestation is done by natural means, proper cutting, reforested by natural seeding. But several years ago we set up an accelerated forest land rehabilitation program on the O and C land and in 1959, the last fiscal year, we reforested 33,000 acres, 22,000 by planting of trees and 11,000 by direct seeding. Site improvement was carried out on 1,300 acres and rodent control for seeding operations on 525 acres.

Those of you that are not familiar with the country up there and with the type seeding may wonder about rodent controls, but rodents are one of the real hazards of reseeding.

So far up there we have reseeded or replanted 60,000 acres. And of course we are making considerable headway in our burned-over acreas.

As I told you before, we completed an inventory last year which gave us a billion board feet cut in the O and C. Our inventories are going on in the public domain lands in the various states, and it's a continuing program. You never get through inventorying completely, because there are always new methods of utilization. And some stands of timber you feel have little or no value in a few years become valuable, because of new techniques and new utilization practices.

We have the responsibility of management on 3,800,000 acres of commercial public domain timber land in the western states, and we are making some progress in holding timber sales, in getting access to these sales, and in getting road construction started. We believe that the program last year was entirely satisfactory.

We have been working with the O and C counties in a re-determination of their responsibilities. They have agreed to turn back one-third of the 75 per cent that they get from these timber revenues for road construction, road maintenance, and recreation development and operation.

This year there are $5,185,000 put into roads, $500,000 for reforestation and $72,000 for recreation development and programing on the O and C lands.

One of the most important functions the Bureau has, one that you as managers out there and as advisers to us in our various functions are interested in, is the operation for minerals. As you know, we have two types of minerals, one we call the hard rock minerals or the ones which can be acquired through locations and patents; the others are the leasable minerals.

Max Caplan hasn't gotten back yet, but Max is in charge of our minerals operations. The leasing is handled through the assistance of Mike Giller, who is with us; and on hard rock minerals, Bill Schaffer provides primary assistance.

In spite of the fact there has been considerable opinion for the past several years that there has been an over-supply of oil and gas, it doesn't seem to have affected our demands for lands for leasing. At the end of calendar year 1958, there were 122,808 oil and gas leases in effect covering 95,242,886 acres. At the end of calendar year 1959, there were 137,137 oil and gas leases in effect covering 110,801,213 acres, or an increase of about 15 million acres.

The situation in Alaska is even more marked. At the end of calendar year 1958, there were 10,216 oil and gas leases covering 21,575,456 acres; and in 1959, there were 15,000 leases, 15,083, covering 32,100,429 acres. So the increase in interest in Alaska has been nothing short of phenomenal.

Receipts from oil and gas leasing during 1958, exclusive of Alaska, totaled $81,489,125.15. And as you know, 37-1/2 per cent of that goes to the state in which the oil and gas leasing and royalties are paid, and 52-1/2 per cent goes into the Reclamation Fund. The balance of 10 per cent is deposited in the U.S. Treasury.

Last year the State of Alaska receipts were $5,702,000 and the state up there gets 90 per cent of the mineral revenues because they have no active reclamation project.

I think they have had one there, but the reclamation funds in Alaska are turned over to the state. This is the same funds that would go to Reclamation in the other states.

The Outer Continental Shelf leasing looks a little more promising. We have been tied up in the Supreme Court who held hearings in October. In 1959, we held two sales which brought us in $89,746,000, nearly $89,747,000, but all the money is held in escrow. It has not yet been decided whether the states or Federal Government should have part of that money or all of it.

We have a sales schedule for tomorrow in New Orleans on something over a million acres. It is estimated that the bonus alone on that sale down there will run to something over $100,000,000. So we are hoping that will improve the situation.

We have some new regulations that you may be asked about. In oil and gas leasing, I might explain those just very briefly and maybe oversimplify. But in the past, when leases were canceled, relinquished, terminated, or expired, when any of those four categories happened, they were posted on the records except the ones that expired by law. And they were then available for leasing. The first qualified person who came in the land office and made his request got the lease. So it got to be kind of a necktie hanging party so that one party would hang onto another person and try to beat him to the counter. We had a lot of dissatisfaction, a lot of accusations that somebody was getting the inside information. We have decided the best way to handle that is to post all of those during the first fifteen days of the month following when each of those four categories occur, and then we have five days for anyone to file oil and gas applications. At the expiration of the five days, we have a drawing. It will cost everybody $10 to make the application and, if they are fortunate, their money for the 1st years rental will be accepted. If not, it will be returned to them.

We are just in the process of trying that out. It went into effect the eighth of January and, of course, the first month they had eight days from the first of the month to file, so there weren't many cases. But we expect there will be in the neighborhood of five or six thousand cases coming up for drawing after today.

We have been doing some training of our people in oil and gas leasing and mineral activity. We had the first all-bureau hard rock minerals training program in Salt Lake City, I think during March of 1959. We are making some progress in our mineral evaluations and studying the values in unpatented mining claims.

Now, one million acres, approximately, of BLM land were examined and published containing about 1,700 mining claims under Public Law 167 last year; 432 claims were examined because of filing of verified statements claiming surface rights.

This, as you will recall, is a bill which permits the management agency to sell the grass or timber from unpatented mining claims under an in rem proceeding if the person filed the claim before it took effect or can show he has a valid mining claim. When he has a patent, he is entitled to get such timber as needed from the surface of the land, or he can get timber from other federal lands if his has been removed, for his mining only.

For fiscal year 1960, which began in July, we propose to do approximately the same amount of work under P.L. 167 as during 1959. We expect to examine about 7,900 claims.

I might say it is not our purpose to throw any roadblocks in the way of the mining industry. If a person is diligently mining and we do not need the land for any surface transfer or for surface management, we don't propose to in any way inhibit his operations. We expect, though, that where we do need the land for ingress, egress, or management of any type, that we will bring in rem proceedings to determine whether or not he has a valid mining claim.

Probably the most interesting feature that you will be concerned with at this conference, with the exception of the range management programs, will be our lands. And our lands certainly are a very, very controversial factor in our operations.

Between lands and minerals last year, we had in the neighborhood of 190,000 applications of various kinds. As you know, the Taylor Grazing Act of 1934 gave us the responsibility to classify these lands for their highest use and we are classifying as the need arises. We feel classification can never be completed because the type land we are operating on may change in use.

As we have said before, this very spot that we are on now was at one time a hunting ground for Indian game and has since, through the period of evolution, been probably put under agriculture, and then a town built here and later buildings of some type or another, and this building may not be the end of the use for this land. So that you can never classify land and say, "Well, that's done. It is never going to change." So we classify these lands as the need arises.

During the last year, the Bureau issued 13,000 patents transferring title from the Federal Government to either private individuals, states, or municipalities. And there were 850,000 acres involved that went into a non-federal ownership. Classification activity was at an all-time high. Some of the areas where we had real competition for lands were in the desert areas, southern California, with desert land applications, homesteads, small tracts, mining claims, mineral leases, state elections, all might be applied for on the same piece of land. We had to determine which was the highest use and work out the conflicts. Many times those conflicts were appealed, which had to go through our whole appeal system, so it was a slow, cumbersome operation. But it does give everyone an opportunity to be heard.

About 750,000 acres were classified as suitable for disposition under the terms of the Taylor Grazing Act, and about 1,100,000 acres, which had been included in pending applications, were classified as not suitable for disposition.

I might say that I believe if we had the figures here -- maybe Mr. Hochmuth will have them when his part on the program comes -- but I believe our actual acreage of public domain increased last year because we had millions of acres, I might say, turned back to us through the Bureau of Reclamation, the Federal Power Commission, and some military installations, that were allowed to lapse last year. The need no longer existed so they came back to public domain.

We are finding that the balance up to now has been in favor of increasing the public domain.

Actually on our exchange program, which has been a real troublesome headache this year, particularly in Arizona, we have gained more acres than we have lost.

We have put out some books for you, "The Statistical Appendix," each of you will have. I know you will have a lot of things to carry home, but that gives you a pretty good idea of the breakdown of where the land was that was patented, the types of patents issued, where the applications were the greatest in number, and a lot of other information that you will need as advisers not only to us, but to those whom you serve when you are selected on this National Advisory Board.

We have had some legislation this year that you will be interested in. The foremost, of course, was the admission of Alaska into the Union, which was on July 7, 1958, with land grants which total altogether almost 105 million acres.

Also another law that you are very interested in is Public Law 771, which permits the states to select mineral lands when the original granted lands also contain minerals, but forbid further lieu selections in exchange for state-owned lands. I think we are making progress in satisfying state grants, particularly in the State of Washington where they still have something like 100,000 acres coming in land grants.

During 1959, the Bureau continued efforts to gain control over the land speculative conditions. I might say we have had cases in Arizona where lands have been sold for $1.50 acre two years ago and they are selling now for as high as $600 an acre. We have some areas in Arizona, down pretty close to where these boys live that a development company is now offering for sale 2-1/2 acres of desert land for $695, $10 down and $10 a month. And quite a few people are buying those lands. It seems as though they feel that might be a hedge against inflation, that their dollars might be worthless but land will continue to increase in value.

We are now working on a new set of procedures so that our antispeculation program can be continued and still not inhibit the proper transfer of lands to the states and individuals.

I am sure all of us here from the West realize that with over 50 per cent of the western states being held in federal ownership, that it is necessary that some of these lands go into private and state ownership if the state economy is not to stagnate.

So we are interested in new laws that will permit us to sell lands which are classified as being suitable for sale. We have introduced a bill, and have been over and talked about it -- we may be able to get minutes of the hearing -- known as H.R. 7042, which will enable us to sell lands not exceeding 1,280 acres in any one tract for not less than the fair market value at public auction, whether or not those lands are isolated from other federal lands.

This would have saved some of the problems that we are finding now in Arizona, and I think to some extent in New Mexico and southern California. Nevada, too, is having a land boom out there, particularly in some of the valleys where water has been found.

So I think we are all anxious to find some way for transfer of title of lands to get on the tax roll be be developed and still the Federal Government will get the fair market value from such lands.

Now we have quite a backlog in land and minerals cases, but we made a reduction of 10,644 cases in pending adjudication and classification case work during the six-month period ending December 31, 1959. One of the reasons, and I must be frank about it, is that to some extent we are controlling the number of applications that can be received. Several million acres in southern California are not now available for desert land entry because there is not sufficient water to justify development. Some acreage in Nevada is closed pending classification for small tracts. And some in Arizona is closed for classification also.

We plan to gear our land activities as closely as possible to resource management objectives and, at the same time, make suitable land available for intensive private and public use.

We are attempting to reduce the expenditure of classification effort resulting in the rejection of individual applications for land use or ownership. Many, many of our cases are almost identical and many times we can use one decision to close several cases that are in the same neighborhood and category.

We have a problem that is shared by lands as well as by our range management and forestry programs that we will discuss rather in detail as we go through the program, and that is the program of access to these public lands, ingress, egress, and access.

Now we get down to the highlights of the range management program for the last year. Approximately two-thirds of the federal range acreage in the ten western states have been covered by comprehensive field studies and surveys of range conditions. One of the most important accomplishments reflected in these studies in the administration and management of grazing districts is the reversal in downward trends in range condition in many areas while the ranges were receiving continued grazing use.

Increased emphasis was placed on the adjudication program and this year for the first time I think adjudication has been properly spelled out so that we know what it means. It is a three-prong subject; that means, of course, the base property that the person has to use during the time his livestock is not on the federal range, his history of past use, and of course the available forage for the equitable distribution between those qualified users who meet the first two categories.

A program to facilitate and expedite the study of range inventory methods has been instituted this year and, as you heard Jerry Kerr tell you, Merv Noble has been selected to be our contact man. He is not in operations, he is not out to the area or district or states offices to tell them what to do; but he is out there to assist in finding new and better methods to make range surveys. He is working with resource groups, with universities, with other federal agencies and state agencies. I think Merv will be able to tell you considerable about the progress he is making on his part on the program. But he is finding that we don't have the consistency that we probably need in some of our range surveys.

I have come to the conclusion it should be called a "range appraisal." In many respects, it is more comparable to an appraisal and has many facets besides just measuring the forage that's on the land. So I think Merv will tell you it is a much greater subject than many of us think.

Since the last meeting of the Council, several amendments to grazing regulations have been published in the Federal Register. The first, published September 29, 1959, related to a proposal to post signs on fences to provide notice to the general public that such fences cross public lands. This has had considerable study. Meetings were held with all resource management groups. We have come to the conclusion that the use of these public lands and the private lands and state lands all have to be coordinated very closely, that what one person does with his land certainly affects the use of any other management or ownership.

The meetings we have attended have indicated that most of the states have the problem pretty well under advisement. We are making an inventory of the areas where we have an access problem. We hope to have that inventory through about June, and we hope we will be able to pinpoint those access problems so that we can manage them.

There are several approaches and, as I have said in some of the meetings, it is not a new problem. The problem even existed back in Biblical times; Rebecca at the well and sheep grazing, wondering whether they were crossing another person's -- I don't suppose they called it allotment then, but they had a word for it, whether they were permitted water at a particular well. It is quite an absorbing study. We finally found they made some progress when they started to cooperate; there wasn't much sense in fighting.

We also found that during World War II, when some of our captured country was divided for management, that they neglected to provide access. Berlin was a good example. We found out a couple of years after we divided Berlin, we neglected to provide for ingress and egress so we had to put in an airlift to Berlin to provide for our people.

We have 40 and 50 acre tracts scattered around that don't justify an airlift. When an owner has land and doesn't want fishermen or hunters on it, it presents quite a problem.

This publication was on September 29 and was a proposal, it is one the Secretary has asked we give a lot of consideration to so that not only the land owners would be duly influenced by it, but maybe in some instances the sportsmen themselves -- hunters and fishermen -- if this is gone into too hastily without full consideration of all the factors involved, may also lose some of the advantages they have in hunting in western states on privately owned acreages.

We are glad to get any comments and suggestions on any of these problems. We have wildlife representatives here and we also have National Wildlife representatives. They are interested in this, and I am sure they, too, will be interested to get your comments and suggestions.

On December 2, 1959, a notice was published in the Federal Register defining the term "adjudication of grazing privileges," which is the first time I believe the term has actually been defined. And then also allowing a three-year period for the adjustment of grazing privileges.

That's something your Board, Mr. Chairman, asked us to go into last year and I am sure it is something we can discuss more in detail later.

The third amendment appeared in the Federal Register as proposed rule making on January 6, relating to compensation to lessees and permittees for loss of improvements placed on public lands, and to conform to the provisions of Public Law 86-234, which was signed by the President on September 8, 1959.

I might also say that in connection with this other, I think there were some regulations that had to do with using airplanes and motor vehicles in rounding up unlicensed horses and burros. You remember we were discussing that bill last year. Well, it passed.

We also have approved a new schedule of Section 15 lease rentals and we want to discuss that more with you. We want to bring the rates into line with Section 3 grazing fees and we probably, in view of some correspondence we have had from the Comptroller's Office, General Accounting Office, should consider some changes in fees on Section 15 land.

Now, we have made pretty good progress in rehabilitation of depleted range lands. We have successfully seeded a total of 850,000 acres.

A supplemental policy statement on seed harvesting was issued. We had quite a problem in a couple of states, Idaho, Oregon, and Nevada. Many seed growers were quite concerned we were getting into the seed business. We now only will harvest sharecrop seed in unusual circumstances, and we must be assured that the contractor's share will go on public lands and not go on the competitive market, in cooperation with commercial growers.

Halogeton received major attention in control efforts during the fiscal year 1959. The first interagency range weed research meeting was held in Salt Lake City March 16 and 17 last year. The representatives from federal and state research and land-managing agencies were present and we gained a lot of information that should be very helpful.

About 11 million acres of range land in eight of the western states are infested with halogeton. This year, in controlling the plant, greater emphasis was placed on revegetating practices. Over 25,000 acres were seeded to perennial grasses and 11,000 acres were sprayed with 2,4-D.

We are attempting to move forward in a balanced way on all these programs: The adjudication program, the management program, soil and moisture, and their training programs.

We now have some new standards that will be discussed here by our personnel people so that our range managers and range operators out there will be given a rating more commensurate to the other federal agencies.

The S and M program for 1961 in its present form will have a reduction of about $481,000. This will have its affect. We will not be able to treat quite the same number of acres. Maybe with new techniques and practices, we will be able to make satisfactory accomplishments.

We think it's time, too, we should discuss very frankly with you gentlemen here while you are in here the total question of fees. We thought we had a pretty good fee arrangement worked out so that a sliding scale fee schedule would be charged for the use of the federal range based on about 70 per cent benefit to the grazer and 25 per cent of your fees going back in range improvements. However, we have had some criticism on our fee schedules on the amount of money we are collecting for fees. We have had some instances where people have sold or subleased their AUM privileges at a considerable profit, and I think we will have to discuss fees while you are in here.

We have some controversies. We were called over the other day to meet with the Aspinall Committee. Mr. Aspinall is chairman of the Interior Insular Affairs Committee. They have been receiving some requests for congressional action to require us to stop adjudications until our range survey techniques have been more thoroughly developed.

We have, I think about seven units that are now in the process of appeals or are giving us a bad time in the newspapers, publicity-wise. As I understand it, we are working on about 800 units now, in total, on adjudication. About a third of our total units have been adjudicated. About a third of them, around 800, are now under some form of adjudication, and approximately a third have not been started.

So we met over there with this committee the other day, Mr. Ullman from Oregon, Mrs. Post, Mr. Budge from Idaho, and Mr. Aspinall from Colorado were there along with us and the Forest Service. We discussed the possibility of more closely coordinating our activities, more closely being together on our range survey techniques. And I am sure you will hear more about that and about the meeting when Merv Noble gives his part on the program.

I would say, gentlemen, that the range management program as we now have it is probably in the best condition bureau-wise that it's been since I have been here, which will be seven years in May. We are restoring livestock to many, many ranges which in the past have been reduced in order to put the range under management. Our wildlife numbers I think are increasing. And in the main, in the western states, the wildlife population is in good shape.

We are working closely with the fish and game commissions of the various states. I believe the cooperation between us and other management agencies is very good. But there is still room for improvement.

I should have mentioned one other factor, maybe two other factors that I don't have down here, that we are moving ahead on. One is our appeals. We have had training courses for our hearing examiners in the field and we now have four or five hearing examiners out there who are capable of holding any type of hearing.

We have been having very good results with our hearing examinations. I think we are coming up with some good decisions.

Our appeals unit is practically fully staffed. I don't know whether Mr. Furr is here or not, but Mr. Graham is here representing the field group, and George Hyde the appeals unit. We are pretty fully staffed on appeals officers who are qualified, most of whom have had legal training, many of whom have had field experience, and all have had adjudicating experience.

I think there are about twenty-eight in our field unit now. We are turning out something over four thousand cases, out of appeals, a year. And a very small percentage of those are appealed to the Secretary and reversed. I think it runs less than one per cent reversals. Reversals through the field are also very low and I think our field and hearing examiner decisions are in the main very much improved and very consistent.

Our record program is moving along. That's one of the things I think we are more proud of than we usually are of programs. But when we started here, we found the records which were set up in 1812 for the transfer of titles of lands had never envisioned a management program. So anything that was done in the range, any timber program, timber sale program, any oil-gas leasing, or any other mineral leasing had no place to be shown on these records. They were written in on the sides and the back, and it became very difficult to obtain data.

We set up, under our management group here, a records improvement or modernization project which will run about $7 or $8 million before we get through. The first phase of it, of course, was to compile all of these records and put them on aperture cards, send them through an IBM system, so that we could break them down to township and range and transfer them out to the states.

We have since that time completed what I like to call an abstract. We have a full record of all transactions and the State of Utah now working with new records, New Mexico, the Santa Fe office is using the new records exclusively, also Oklahoma part of Arizona -- I was down there last month when part of Arizona was put under the new record system, the other part will be through shortly. We are working in Alaska, and that should be through by the first of July this year. We are programming for Montana, and North and South Dakota. These are all handled out of the Montana Land Office.

So I think, gentlemen, that the total program of the Bureau is being balanced. It is being brought forward in line with the wishes of the Congress, the Department, and Bureau of the Budget. As I say, they are our board of directors.

We have our problems. We seem to have more than our share during an election year and we spend a considerable part of our time getting information for various congressmen and committees. But it is something we are glad to do. We are glad to have our programs brought out and inspected.

Sometimes we get here like the fellow that was telling us the other day he went to see his psychiatrist, and he said, "Doc, I have so many things on my mind, so many problems, and so many new ideas and everything that I get quite confused. In fact, I can't remember anything. I just seem to read and it leaves me. I can't keep it on my mind," He says, "Well, well, that's bad all right." He said, "When did that problem start?" The patient said, "What problem is that?" (Laughter)

So sometimes when we get in that category, sometimes we are not able to figure out what problem we are talking about.

But we appreciate the opportunity of working with you people, appreciate having the opportunity of having the Advisory Board Council come in and having all the other gentlemen who are here this morning.

Don't think all these boys are here all through the session; they came in here this morning to get acquainted with you folks and they will be back to their jobs except when they are on the program.

We trust that you all will have a very helpful and pleasurable time while you are in Washington.

Thank you very much.

MR. LEE: Mr. Director, could I ask you a question?

Floyd Lee of New Mexico.

I didn't quite follow your figures on the outer shelf. I think at first you said there were $3 million income from the outer shelf and then you said there were $3 million on the first part, $87 million you said was held in trust for a division, and then later you said $100 million you expect to come out of this present lease.

I was wondering whether you could tell me what the income was before the law changed defining the outer shelf with the inner shelf? How much was the income, in round figures?

MR. WOOZLEY: Well, we had two sales off Louisiana and one off Texas which ran somewhere near $300 million.

MR. LEE: Before the change of the law?

MR. WOOZLEY: That went into the Treasury. There was no change in the law actually, Mr. Lee.

MR. LEE: Well, the definition --

MR. WOOZLEY: Actually then the question arose where are the historic boundaries? And so we had to make an agreement wtih the State of Louisiana. We set up four zones. They operate in the first zone with no question. We operate in the fourth zone with no question. But there are zones between 3-1/2 and 10-1/2 miles that are in dispute, and there is one between the Perez line and 10-1/2 line. The leases made in those two zones are in escrow. There have been over $300 million turned over to the Federal Treasury before this came up. The sale we expect tomorrow will be about $100 million and most of that is in zone four and will not be held in escrow. Some of it will be in zone three.

The sales we held last year are all in escrow. I think that was the $89 million held in escrow.

This $3 million-something we have taken in are rents and production, that is royalties on lands that are not in dispute. So it is rather a complicated question. But the first 3-1/2 miles is managed entirely by the state, the next 21 miles are in dispute, then everything beyond that we are managing without any conflict.

Does that answer your question?

MR. LEE: It does. What will happen will be there will be several years before we can find out what the law did, after these disputes are settled.

MR. WOOZLEY: Yes, I imagine it will be case by case in some instances.

You know, some places down there, actually the land along the delta is building up so that the state boundary is moving out. There are other places where we are having some erosion and the shore line is actually moving back. If we don't get some kind of firm line, it is possible that a well now drilled out there on a state-managed area may in the future be on the federally managed area, and vice versa. So we are hopeful some day Congress will set a line much as they do between two states and that will be final. But up to now, it is a pretty fluid situation.

MR. LEE: They will be like we were in the drouth, our wells became silos.

MR. BROWNFIELD: Are there any more questions?

Thank you, Mr. Director, for that very full and complete report.

I wonder if your report could me made available to us before you leave? There is so much in it.

MR. WOOZLEY: I doubt that it can be made available when I plan to leave, Mr. Chairman, but I am sure it can be made available by two or three months so it won't be up to next November.

MR. KERR: Within a matter of a few days, we will have the transcript from the reporter and we might be able to get that reproduced so we can have it available for the Council members.

MR. BROWNFIELD: There will be certain information available to the news --

MR. WOOZLEY: I have part of it in prepared style and part of it in extemporaneous, so as soon as we can get the minutes on it, we will get that to you.

(Announcements)

MR. BROWNFIELD: Thank you.

We have some fifty minutes yet to noon, according to the agenda. I think we will proceed.

Mr. Bierne.

MR. WOOZLEY: Mr. Bierne is holding a sale down in New Orleans, so Mr. Welt will take over.

MR. BROWNFIELD: Current Bureau objectives, progress, status of accomplishments, the long-range plan, and status of the access and fence-posting questions.

MR. WELT: Thank you, Mr. Brownfield.

The Director has covered generally the appropriation and the change from fiscal year 1960.

As he stated, the total appropriations requested from the Congress were substantially in the same amount as we had in 1960. The reduction was $177,000.

In the action by the House, $50,000 was added to our budget estimate and specifically earmarked.

The House Committee had this to say about the $50,000:

"Because of the urgent need to develop a successful method for large-scale economical revegetation of our vast areas of waste and range work in range lands, the committee has included an increase of $50,000 for additional work in the field of aerial planting of grass from pellet seeds."

So that work was unprogramed and was not included in our estimate that went up to the Hill.

The amount appropriated in the bill that passed the House reflects some internal changes. The amount appropriated for lands and mineral works was increased $250,000. That increase will provide for about fifty additional personnel who will be added to our staffs in the land offices.

This increase will be used for the adjudication of lands and minerals cases, and it is anticipated that it will reduce the backlog of unclosed cases that the Director mentioned to a considerable degree.

Under our forestry activity, there is an increase of $75,000. This will provide an increase in staff in our forestry timber sale program to permit us to market the full annual allowable cut on the O and C lands.

Also in the forestry item is an increase of $200,000. That $200,000 will increase our fire presuppression staff in Alaska to provide for protection against fire there. It will provide for some additional equipment and also expansion of our communications system.

Now, it should be pointed out that this activity, fire presuppression, is presuppression work and is not the cost of suppressing the actual fires.

The appropriation for grazing administration is dollarwise practically at the same level as 1960. However, due to the fact that there is need to implement the increase in Civil Service standards for range and conservation employees and also the statutory requirements for within-grade promotions, some of the work will have to be deferred.

Within the amounts that appear to be available now, we will have to eliminate some of our seasonal people.

The soil and moisture program for 1961 will be reduced -- considering the $50,000 added -- by $425,000. That, of course, is going to decrease the amount of acreage that we can treat in 1961. A reduction of $250,000 was made in our weed control program, which will eliminate the beet leafhopper control program we have in Idaho and some of our seeding program under this activity.

Under our construction appropriations, we have had an increase of $100,000. This will be used for access roads on public domain forest lands. It will provide for the construction of minimum standard roads to those areas where we have timber which is ready for market.

Of course, our major access road construction program is in the O and C territory where we will spend in the neighborhood, as the Director told you, of $9 million in 1961. And in addition, we will also have a forestation program to the extent of $600,000, and we will have a new program of $72,000, initiating a recreation program in the O and C territory.

You will be interested in knowing that our estimate of total receipts in 1961 will approximate $268 million. It is also interesting to note that since the inception of the Bureau in 1947 to December 31, 1957, the Bureau's receipts have totaled about $1-1/4 billion since 1947. That's about the extent, gentlemen, of the details included in our 1961 program.

Thank you.

MR. LEE: Lee of Mexico.

Can I ask another question?

I think you said there were 50,000 increase again in the airplane pellet seeding.

This Board here has repeatedly gone on record as opposing that method of reseeding as we felt it wasn't a very good one.

Now, was this $50,000 asked by the Bureau to be put in there? Or was it put in by the Congressman from Ohio?

MR. WELT: It was added by the committee. It was not requested.

MR. LEE: It wasn't requested. Thank you.

MR. WELT: No.

MR. BROWNFIELD: Are there any other questions that you want to ask?

MR. LEE: I gather from what your trouble is now under this new law -- that is, of course, we are not here for political purposes, but I mean your new law is requiring you to promote certain people under the Civil Service law. That is, they go up a grade, or something. You grade them. And under this appropriation you received, which would be the same as the last, you won't be able to upgrade those people according to that. Therefore, you will have to cut some off the bottom.

Do I understand that correctly?

MR. WELT: Yes, sir, there is no provision in the appropriation for the implementation of the Civil Service standards. The Personnel Director will probably cover the requirements under Civil Service regulations.

MR. LEE: Well, that, of course, would be necessary, wouldn't it? They would have to be implemented even if you have to cut off on the other end?

MR. WELT: That is correct.

MR. BROWNFIELD: Are there any other questions?

MR. HUGHES: I want to ask a question. Maybe this isn't the time.

Would it be possible to direct appropriations by adding money for oil, or matters of that nature, provide for funds for surface direction, rehabilitation? And they have gone over it?

MR. WELT: You mean put the receipts into a fund and use that fund for the restoration of the land?

MR. HUGHES: Yes, yes.

MR. WELT: That would require congressional action in establishing a revolving fund to permit use of receipts in that manner.

MR. HUGHES: Would any additional congressional action be required to provide in your leases that the lessee out of his own moneys make that available?

MR. WELT: I am not sure that I can answer that.

MR. HUGHES: Let me state, I don't know how many members of the board or members of the Bureau have been in an area where you have oil activity, and when you see what is happening and then you visualize what will happen if any mass of hunters come into an area such as our country, immediately in your modernization problem, why are we spending money to improve surface conditions in connection with drainage, water erosion? And if it is a reasonable and good proposition to attempt to maintain an improved surface condition, what are we going to do about conditions that are left when oil activities go on? Or, as we are now visualizing, unactivity?

With the present four-wheel drive and extra power motor vehicles and if you get a fair storm, any work you do is practically obliterated, done away with.

I wondered if that proposition had been presented to Congress?

MR. WOOZLEY: You have opened up a good question there, Judge, and it's one that we have discussed in these various meetings that we have held with all users. One that comes to mind is one that we heard about down in Albuquerque the other day.

Our thinking, of course, is that each user of the public lands should be more or less self-policing. If it's an oil and gas operator, they have a very fine ethics program in New Mexico, they have a public rule of ethics and every oil and gas operator lives up to those rules of ethics. If he doesn't, they police it for themselves.

We have talked to mining operators down there and they feel, too -- I am sure if anyone is here representing the American Mining Congress, they would like to see the mining industry brought to a still higher level in management of these lands so that unnecessary abuses to the public lands would not be performed by miners and that they, too, under the mining law, would be held accountable for the uses they had.

Of course the sportsman, I suppose hunters and fishermen would come under that, all types of recreationists would more or less police themselves. So that a person who is a violator in hunting and fishing would be brought to the attention of the state fish and game department. If he is a persistent violator, he would probably not be able to get a license.

There is some possibility he might have to pay a fee if he bought a license for an insurance policy for any losses that he might bring up.

There has been a lot of attention given to the abuses of other than livestock on the public lands, and it seems like the only way it can be worked out is a sort of self-policing program so that each user will belong to some group that's proud of his affiliation and that will try to build up the reputation of that group.

Now, as far as making a charge, going to Congress and saying that we want a charge for hunting, fishing, or rock hunting, or mining or oil-gas leasing so that we can collect from these people for damage they do, I think we would be in the police business clear to our ears. And I would hesitate to attempt to ride herd on all of the users that are on the public lands. I think we would have a terrific job.

It's one we have to recognize; maybe we do need more personnel, and a better information program, but I think we need closer cooperation with these other users in getting them to sense that whatever is done there that's detrimental to their particular group is going to bring legislation that they might not like. So that they had better get busy and police their users and protect these public lands.

I don't think it is only on public lands but I think it is on private lands. Many private lands are being abused and yet a person's hands are pretty well tied. He can't police it, he can't afford to have people there watching everybody all the time; yet he wants to leave it open for hunting.

I think you have raised a good question. I admit we don't know the answer, but I think up to now getting each group to recognize their part or their responsibility in it is the only course we can see.

MR. BROWNFIELD: We still have some time. Is there any question?

MR. LEE: The program the people are sponsoring -- here is a copy of their Wildlife Conservation General Meeting that was held in Albuquerque February 17, the Albuquerque Jeep Herders Club membership voted at their last meeting to be a guest.

Now what the jeep people are doing is they are putting out a club room all over the west and they are starting to advertise that way, getting a do-it-yourself program with these jeeps. They will buy these second-hand jeeps and they will furnish for them a good mechanic to show how to repair it and how to take care of it, and then they will have these club rooms. They take these jeeps out, and there will be twenty-five or thirty in a herd, and they just drive all over the country, which of course in a country like it is in most of the western states where you get these flash floods, it just cuts up the country to where it just does more damage than any grazing or any other use that could be made.

Now, those things are going to have to be policed by these game associations or something.

We have a very good working order in New Mexico on the oil industry. They came in and destroyed a lot of land that will take many, many years to come back. And we performed what we called a cooperation agreement with them, and they adhere to it. They punish any member of their oil association that gets off of the road or where it isn't built and do anything that will destroy the land. We have no trouble whatsoever with them. We report what has happened to different people, whether they have cut a fence, what they have done, and it is corrected immediately.

I would just like to put this in as a matter of record up there, just showing that's one of the problems that's coming up to where these people are going to have to police themselves.

MR. LARIMER: I would like to ask Mr. Lee a question.

MR. BROWNFIELD: We didn't get your name.

MR. LARIMER: Larimer of Montana.

I wanted to ask Mr. Lee if this jeep club he has mentioned there, if it is true they are really hunters or whether they are people who are forming a club, jeep users or owners, to go out possibly year-round Sundays, any time they can, come back into new country just for fun?

MR. LEE: Well, to define the sportsman is quite a problem. But they are a majority hunters, as that shows. They are welcomed into the game association meeting, of which I am a member there, of the Game Association. But there are both types.

They are mostly younger people who want to do something mechanically throughout the year and they want to go out and test it out. And they are hunters, too, because they like to take a gun with them and do a little shooting, whether it is rabbits or anything else.

MR. LARIMER: I think you have answered my question.

Fundamentally, from what you have said, those fellows are not hunters most of the year.

This is more like a motorcycle club, possibly an antique car club, or something like that.

MR. LEE: Well, we have rabbit hunting year round in New Mexico.

MR. LARIMER: Thank goodness we haven't run into that in Montana.

MR. LEE: Yes.

MR. BROWNFIELD: I think it works from two angles. I think promotors of sales of jeeps as well as sportsmen who are going to use them, or anyone else.

MR. LEE: It is a good sale for a second-hand jeep.

MR. BROWNFIELD: Yes, Mr. Faulkner.

MR. FAULKNER: Ralph Faulkner, Idaho.

MR. Chairman, I would like to present a matter for consideration by the National Council. This is not only of importance to Idaho, but I believe to all of the other western states if we are to maintain and stay in the livestock business.

As you know, land is continually going out of the picture through military withdrawals, desert entries, public sales, recreational and other purposes. In Idaho during the past five years, there has been from forty to fifty thousand acres each year going to patent, mainly under the desert entry, public sale, and reclamation homestead laws. As an example, in our district at Shoshone, in the Milner Canal Unit in 1939 there were about 95,800 acres of federal range; now there are only 48,700 acres, a loss of about 50 per cent. In the Star Lake Unit in 1939, there were about 217,800 acres; now there are 157,600 acres, a loss of almost 30 per cent. In both of these units, the land has gone out of the picture mainly through desert entries.

In addition, in Idaho the Atomic Energy Commission and the Air Force have withdrawn about one million acres. Grazing has been restricted on most of the AEC withdrawal, containing over half a million acres. Grazing is also restricted to certain seasons on the Saylor Creek Bombing Range. We have to improve the land that is left or face heavy reductions with many outfits going out of business.

The situation in Idaho is critical, and we gave this matter a great deal of consideration at our State Advisory Board meeting. The only possible solution, as we could see it, to continue to operate in the livestock business is to increase the grazing capacity of the remaining lands by a stepped-up program of range rehabilitation: Seeding, brush control, water development, and so forth.

The present level of operation of the Bureau, even with considerable contribution by the range users, is too slow. The Bureau in Idaho has told us it would take at least sixty years at the present level of operation to complete most of the seeding and brush control work which is needed. There are over 1,300,000 acres in need of seeding and over 2,600,000 acres in need of brush control which are producing little or no forage now. The users in Idaho are more than willing to contribute their share to improvements, and in many cases they have contributed 50 per cent of the project costs. The average over the entire state is from 25 to 30 per cent.

We are not asking for a handout, but feel that it is an investment in the natural resources which will be repaid many times in the future.

There are many benefits to the public in watershed protection, wildlife, and other values, which will be increased through an improvement program. Therefore, the entire cost should not be borne by the range users.

The Idaho Board at its regular meeting considered all of these problems and passed the following resolution:

> "Idaho State Advisory Board goes on record as requesting additional funds for rehabilitation of BLM lands in Idaho."

A letter signed by the chairman of the board was sent to the congressional delegation from Idaho, requesting them to make every effort to obtain increased appropriations for the BLM for range rehabilitation purposes. The board had in mind an increase of at least half a million dollars each year over past funds to take care of the problem in Idaho. It was our thinking that Idaho is not alone in its need for increased funds. We felt that this matter should be presented to the entire National Council for consideration.

I hope that the National Council will join in and support a resolution for increased funds to the BLM for range rehabilitation work.

MR. BROWNFIELD: Do you want to make that a part of the record?

MR. FAULKNER: I move it be made part of the record.

MR. HUGHES: I will second it.

MR. HORN: I would like to mention that really isn't Idaho alone. I think all the western states are in exactly the same spot.

I am greatly concerned when I see four hundred some thousand dollars taken off of this year's program. I don't know where we are going if they are going to make cuts when we should have many times the amount of money we have. So I am sure deeply concerned, and I know the majority of the members of the Advisory Board are.

MR. BROWNFIELD: I am going to make an observation at this point.

Perhaps we haven't realized just what good law we have had all these years under the Taylor Grazing Act. Those of you who come back here to the council meeting understand more thoroughly the need, the necessity, when we go back home to prevail upon or permit these licensees as possible to cooperate more with management. In fact, many of them have written to their congressmen and senators about what has been going on in the way of proper management. I think it is one reason why the Appropriations Committee is cutting down on our needs.

So I think it behooves each and every one of us when we get back home to try to prevail upon those boys to think about proper management, to keep their letters at home rather than bother their congressmen and, in turn, bother our management all the way down to his staff.

I think we overlook that fact.

Are you ready for Mr. Faulkner's question?

MR. HUGHES: May I ask just a question?

MR. BROWNFIELD: Yes.

MR. HUGHES: I had the opportunity or privilege to go over the Floyd Lee setup somewhere around a year ago. I wish this whole group could go. I wish we could have a field day down there. I don't think Floyd would mind, and see what proper range management could do to increase carrying capacity and increase production of the surface.

We had a very good start in Colorado, a very good start I would say. We were all trying to work together. Practically all of the permittees were willing to put their money on the line to get improvements which were agreed upon.

Now we realize that making improvement is one thing; maintaining and protecting that improvement is absolutely essential or your money is thrown away.

I appreciate what the Director has said, they don't have the money enough to police the land properly, especially through districts like we have in South Colorado and many other districts.

We may be unfortunate. We first had the uranium boom and we fought on that. Now we've got an oil boom. They are putting wells down at the rate of -- oh, they have about six or eight started in that area now, and undoubtedly more going down. We see the conduits, dykes, run over with the bulldozer. We see the land where moving from one spot to another they don't raise it high enough and it is taking part of the surface. And in all probability, on many slopes, it will start erosion.

We see the other point, with the high-powered jeeps and four-wheel drives. And if there is any moisture -- and remember, we only have 8 inches a year, so we can't say it's wet; for a material portion of the time it isn't wet, but it seems to us, and this is an exaggeration, they pick out the wet, muddy period to go over the land. That's an exaggeration; they wouldn't do it deliberately.

I want to read the document that Floyd Lee sent up and we will have to get together along something of that nature.

But the thought I want to leave, at least western Colorado, everybody has been imbued with the idea we want to improve grazing land. We want to control run-off as much as possible and spread the water.

We want to put as many watering holes as we can in. We were willing to spend our own money along with the Bureau to get that job done.

Now it looks like something of a hopeless proposition. The Bureau doesn't have any money, security tenure is being jeopardized by proposed bills, and I don't want to use the term "exclusive tenure," but a tenure which would look after the improvement of the land is being jeopardized in our opinion.

Then we face these cuts in appropriation for that purpose and, frankly, I am much concerned that they are going to go back to the old system that operated until this Bureau started in on an improvement program to where it will practically stop and erosion will take a great portion of land again.

I would like to see Floyd Lee, if he is so inclined, to invite a group of personnel of this Bureau to look over his public domain area and what he has done in connection with improvement, land surface, and what at least I am setting my sights on -- I don't want him to be ahead of me. We will get our district to follow along on that type of program as fast as we can. But if we are going to do it, we are going to have to have the cooperation of all other users of the land.

MR. BROWNFIELD: Thanks, Dan.

MR. LEE: I would be delighted to have the whole Board or anybody else come any time. I would be delighted to show them over, put another bean in the pot and we will be glad to have you.

MR. BROWNFIELD: Maybe we will have a meeting in Albuquerque and adjourn to your ranch.

MR. LEE: We were talking aoout it down there. The time to look on any property makes quite a bit of difference. To see it at the time we have the annual meeting is, of course, bad. It would be in the winter and would be in storm -- I would think it probably would be better maybe to have an additional meeting and have it probably sometime in the summertime.

I notice that beans that are just put in a gunnysack on the floor in a grocery store don't sell very well. You can put them up in a nice cellophane package just on the counter and they will sell for 5 cents or 10 cents a pound more almost, the looks of them. That's the way we feel. But if you decide to come in the winter, we will be glad to have you come in the winter.

MR. BROWNFIELD: That is an open invitation. We will be glad to discuss it, Floyd, and accept it.

MR. LEE: I wondered what had been done with Faulkner's paper.

MR. BROWNFIELD: Did I ever call for a vote on it?

It is in the minutes.

I am asking for a vote. All in favor signify by saying "aye."

(Chorus of "ayes.")

MR. BROWNFIELD: Opposed?

(No response.)

MR. BROWNFIELD: Carried, Mr. Faulkner, as presented.

I think we will recess and go to lunch. Be back by one-thirty.

(Whereupon, at 11:45 a.m., the meeting recessed, to reconvene at 1:30 p.m. the same day.)

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AFTERNOON SESSION

1:20 p.m.

MR. BROWNFIELD: We now have Mr. Carroll, so if you will come to order, we will hear Mr. Carroll speak on "Effects of the 454 classification series, problems of recruiting qualified personnel with a ranch or farm background, the Bureau's promotion plan, etc."

Mr. Carroll, you have the floor.

MR. CARROLL: Thank you, Mr. Chairman.

In our previous meetings with the Board, we talked about the preparation of new standards for range conservationists, range manager positions, and finally they have been adopted by the Civil Service Commission as of last April. These standards were developed by the Commission working with us and with other agencies who use range conservationists and range managers, such as Forest Service, SCS, and Indian Affairs.

Briefly, what these standards provide is that we shall have two grades of district range managers, Grades 12 and 13. At the present time we have two grades, Grade 11 and Grade 12. This means that our minimum grade for district range manager will now be 12.

MR. LEE: Would you mind explaining what a Grade 12 or 13 is?

MR. CARROLL: I thought it was generally well understood. We had been through this before in Board meetings. Under the Federal Classification System, there are fifteen grades for the usual rank and file of employees. These are based on duties that are assigned, responsibilities performed, and so forth. There are also three super-grades, 16, 17, and 18, which have a Congressional limitation on them. For our purposes, we won't discuss them here.

Each occupational series, each required skill is categorized by the Civil Service Commission, and a set of standards is written which defines the nature of the work that the people in that category are supposed to perform, and within each of those categories levels of work are defined and the man's pay is set based on the application of those standards, his duties that he is performing.

In that manner we determine the compensation, rate of pay.

Back in the early days of the Grazing Service, there were three grades of district range managers -- 7, 9, and 11. That was changed about in 1948 to provide levels of 9 and 11 only. And then in 1955-56, we moved the minimum grade up to Grade 11. And now it is up to Grade 12.

Our district manager positions are difficult jobs in the scheme of things. The standards for range conservationist are suffering by comparison with the forestry standards, the agronomist standards, bacteriologist, park ranger, fish and wildlife culturists, many of the other professions. The range conservationist or manager is definitely a professional. Courses are given in colleges, full four-year courses. It is recognized as a profession among the sciences.

We have the American Society for Range Management, which feels very strongly about the subject, which feels that range management has suffered by comparison. This last effort of the Commission to bring these standards up to date is due partly by virtue of the fact that we were urging them on, along with other agencies that were involved, and has culminated in this standard being adopted.

Our range managers up to now (and some of their subordinates) have been underpaid, strictly speaking, on the basis of the Congress-stated intent of equal pay for equal work in the Federal Service. This will equalize things. We will have to live with these standards for some time to come, so we devoted a lot of attention to their development.

At the present time, out of our 50 range managers, district range managers in charge, for we call them district managers now, whether they are in charge of range districts or forest districts, out of our 50 men, 36 of them are in Grade 12 now, which means that the other 14 that are now in Grade 11 will come up a notch to Grade 12. Of that group of 50 district range managers, we estimate, again roughly, that 14 of them, somewhere between 10 and 15, at any rate, will qualify for allocation in their positions for Grade 13.

Let me go back a little bit, Mr. Lee, to indicate something about what these grades mean. Grade 12 pays $8330 a year. Grade 13 pays 9890 a year.

So, under the new setup, as funds become available, we will have, we estimate, 36 of our district managers in Grade 12, the remaining 14 in Grade 13.

As to subordinate positions, we are not exactly sure how many jobs it will affect. Roughly, I would say, somewhere between 50 and 70 of our subordinates, that is, jobs below the district manager in charge. Again, these men, too, according to over-all standards of the professional sciences, are underpaid at the present time. There will probably be some changes in their duties to conform to the standards and to instill better working relationships with more productivity.

Now, with the elimination of that inequality which existed before, we look for improved morale among those men. We look for an opportunity to attract the better people, and we think that it will stabilize tenure. You will recall that a couple of years back there was some discussion among us in previous meetings about the short time that managers spent in a district or there was a complaint that they would be taken away from their jobs while they were in the middle of a project and you will recall that the Director pointed out that this was a problem that we tried to be aware of with each individual instance in which a district manager was moved, and we hoped to combat it in that manner. Since there are fewer jobs, the higher up you go in the scale, and since these jobs are being elevated, there will be less attraction, less opportunity for those men to be drawn away from their jobs and put into higher grade positions elsewhere. I presume this is still a matter which is of some concern to the Board.

As to our qualification standards, we have new ones now. They will be published next month. They eliminate, we think, some of the objections that we had and you had to the old standards. We sent copies of these proposed new standards to the American Society for Range Management, the American National Livestock Association, Idaho Wool Growers, the Utah Wool Growers, and the National Wool Growers, in addition to Brother Horn here, and we got comments from nobody. So we assumed the proposed standards were acceptable. They have been adopted, too, after consultation with various agencies. Perhaps again I am assuming that you know what the qualification standards are. They differ from classification standards in that they do not tell you how much to pay a man. They tell you what specialized education and/or experience a man must have before he may qualify under Civil Service rules for entrance to those positions.

You will recall at one time we had considerable difficulty in hiring certain men because they lacked a certain course in college. You will recall also that we have had difficulty, from time to time, in moving our range aids, our subprofessional men, up into our professional category. This new standard will permit a cross-over at Grade 9 of our subprofessional men, so they may move on up in the professional category all the way to the top in Grade 15. This is the only professional standard that we are aware of that contains such a provision, and we put it in, because (and we were able to sustain it) of the interest in it. Whether it will stand the pressures of time and the attacks of professional societies, we don't know, but at least, as of the present time, a man can enter our service as a range aid and can move up into Grade 9, cross over on a lateral transfer at that grade, and move on up to Grades 11, 12, 13, and so forth.

As to our promotional plan, which is also on the agenda, that plan is moving along. We have been operating under the new plan, which became effective January 1959. We have noted the necessity for making some revisions in it, which are now in the process of being considered, but all in all, the promotion plan is working about as planned and as contemplated.

It is in accordance with the Civil Service Commission's mandate. It meets all the requirements and with certain changes, we think we will strengthen it somewhat. They are relatively minor changes, as for instance, reducing the area of consideration for positions through Grade 7 to statewide consideration rather than areawide consideration. It saves a lot of paperwork and doesn't result in any less efficiency. So that is one of the items.

In general, that is about the picture, gentlemen. We have roughly 300 professional and subprofessional range people on our rolls now out of a total of approximately 2500 staff people. The range group is a sizable number when you take into consideration the other professions which we have and the relatively small size of our Bureau.

We have probably another 150 range people employed in clerical positions, in agricultural engineering, and in miscellaneous related positions.

I will be glad to answer any questions you might have.

MR. LEE: The only reason I asked the question was because many of us are concerned about it and want to talk a little to our Congressmen and Senators while we have the opportunity here. When you go up and try to talk to them about something you don't understand, you don't get very far. I thought we ought to understand the problem pretty thoroughly so we can work it out.

I still don't understand what is going up, across and over on a lateral to another grade, but I guess that isn't our business anyway. We want to see our own people in the Grazing Service in proportion properly to other people in other services. In talking to a Congressman or a Senator, I would certainly like to know what I was talking about. That is why I asked the question.

MR. CARROLL: I will be glad to fill you in on that if you need any more information. Let me explain that cross-over business.

MR. LEE: I don't need to know about that. What I wanted to get at was the other information.

MR. BROWNFIELD: Any other questions?

MR. WOOZLEY: We might say, to put it on a practical basis, Mr. Lee, suppose you have a GS-12 in an office who is the supervisor of your office. You have an opportunity to advance him through the promotion plan to a 13, and you decide you are not going to use the promotion plan to fill his job. If you use the promotion plan, you would fill the present 12 job by taking all the 11's that qualify and selecting one of the 11's.

Many times a state supervisor will feel this is a key job. Maybe there is an adjudication going on or maybe there is a range project that a person has special qualifications for. He may request another 12 to be transferred from a job into that on a lateral transfer without a promotion to fill that key spot. Otherwise we use the promotion plan. We use the promotion plan, which brings in a person a grade lower and sometimes we transfer a person who is a 12 or a 13 or even a 14. We have made some transfers this year. I can name three of them who had no promotions in being transferred. Bob Nielson was a 14. He came back to Washington as a 14. Russ Penny was a 14 in Idaho. Virgil Heath was a 14 in Oregon. He went into the program coordinating job at grade 14.

Occasionally, where we have key jobs that need a person who is already trained, we don't make a promotion. That might help a little in showing a difference between a transfer without a promotion and using the promotion plan.

Does that help some?

MR. LEE: Yes, that does. Of course, I found most of our Congressmen and Senators, when we go and ask them for something, they usually ask some pretty sharp questions and, if you can't answer them, they tell you in plain language, go to hell, you don't know what you are talking about.

MR. BROWNFIELD: Thank you, Mr. Carroll.

Gentlemen, I have a co-worker from my state, Mr. Bill Williams. How are you, Bill? Glad to have you with us.

Once in awhile something runs through my feeble mind and while Mr. Carroll was talking, I was trying to figure out what grade the ordinary cowman is in that runs 300 head of cattle and 1500 heads of ewes. Grade 12, Grade 11, Grade 10?

My bankers have graded me lower than that several times.

MR. BROWNFIELD: What is our average permit? It used to be around 154; is that right?

MR. WOOZLEY: That is right.

MR. BROWNFIELD: So the average 154 carrying capacity, we would grade about 6 or 7, would we not, in his actual income?

MR. WOOZLEY: Maybe 9.

MR. BROWNFIELD: Not that I am trying to beat you boys down in the saddle, but I throw that out to have a laugh.

Mr. Mead, Multiple-Use Management, Concepts and programs of BLM. Glad to hear from you.

MR. MEAD: Thank you, Mr. Chairman. This subject of Multiple-Use Management, Concepts and Programs of BLM, coincides with the subject discussed by the Director so we will try to keep this discussion limited, and not go into all the ramifications of the arguments we hear every day about multiple use and its various definitions.

Of course, all of us here almost every day are becoming more and more aware of the fact that demands for more and different uses of the nation's lands, and associated resources are increasing at great rates. We hear about this population explosion every day, our phenomenal economic growth, the cold war, higher personal industrial incomes, new technology changing the pattern of individual community lives, shorter work weeks, and a multitude of other forces that are constantly being referred to. On the other hand, the total supply of land is relatively static. The raw land base that we have to work with from decade to decade has not changed substantially. And, of course, there is more of this land base being committed for agriculture, grazing, parks, missile test ranges, industrial sites, shopping centers, suburban housing developments, and so forth, and less is apparently available in the uncommitted reservoir for new or different uses or more of the same kind of use that may be necessary today and in the future.

The evolution of these various conditions referred to here and particularly with respect to the variety of existing land use pressures have caused a great deal of concern amongst groups like this because all of us, involved with either public or private interests, have a stake in the policies and the programs, both private and public, that deal with land and related resource use. All of us are really apprehensive of the squeeze that is bound to come and which we feel is coming when this reserve of land runs out.

Likewise, the growth of pressure for various and competing uses has been recognized quite clearly by both private and public land holders, but especially by public land management agencies at the federal, state and local level. Here in the BLM we are probably in the position to see more firsthand evidence of this growing pressure than any single resource-managing group in the country which functions in behalf of all the people. Our role, simply stated, is a dual role; first we are a supplier of the basic commodity, land, and all its associated resources, to both private and public elements or sectors of the economy, and, second, we are managers, developers, protectors, and conservers of the land reservoir which we hold to advance the existing values or to manage the resources that are on them now. In this role, of course, we call upon our resource managers daily to make decisions which will determine the future use of many parcels of different types of land, and in different locations. These decisions require the consideration of increasingly stronger pressures from competing interests for land or for the use of the same piece of land, and its resources, whatever that may be.

Under the law, we must make these decisions and in so doing, we cannot satisfy all the demands. As a result, some people are satisfied with them, and some are not. For example, in a sincere effort to develop practical means for not only satisfying the existing grazing demands, but also for developing an even greater potential for grazing and other uses in the future, the concept of multiple use is referred to. This concept is being referred to more and more by all the principals, both land-holding and management organizations in government and private pursuits, and the present and potential users and owners of land, as the most satisfactory approach to managing land, so as to realize the maximum benefits from the particular value it may offer.

This concept of multiple use also provides a compromise in making land and land-related resources available to those individuals and groups whose needs focus on different resources and different use values. This idea of mutiple use sounds attractive and I guess that is why so many people have grasped at it as the answer to most of their problems, but defining the concept of multiple use and further understanding what it means, and then trying to place it into practice is much more difficult. In other words, how practical is this concept of multiple use? We think it is a good idea to discuss this concept with this group, although your primary concern here as an advisory board is the livestock industry, and, as it uses the public domain. However, we know you are concerned with all other phases of management undertaken by the Bureau because there is hardly any other function or other type of management that doesn't somehow or other affect your interests and the livestock operations using the public domain. I am going to try for your benefit to define multiple use.

First, I would like to define multiple use as it is generally accepted, and as generally used by other agencies, and by other people. I am sure that all of us know that multiple use, as used by many people, includes only the particular use of the person who is talking about it. In other words, if someone says they want multiple use, they really are saying they want a unit of land for a particular use they are interested in, and anything that is left over for other uses constitutes multiple use.

We feel that many agencies -- state, federal and even private agencies -- define multiple use as the use of the land for a primary purpose or possibly for a dual use if it fits in with a primary purpose. This would probably be true in some functions. I think we can say, that certain elements of forestry and grazing are certainly compatible on the same unit of land. As an example it is possible to graze animals and practice forestry on some units of the same kind of land.

On the other hand, there are certain conditions which would make the practice of forestry incompatible with the practice of grazing. If we reforested a tract of land, grazing would not be compatible until the seedlings grew up to the point where they wouldn't be disturbed by grazing. It would be nice to say we could have multiple use on any angle unit of land, but we know if we had a strip-mining operation on one segment of land, that same segment would not be adaptable for grazing or for forestry.

From our point of view and, from the public domain point of view, we have to look at multiple use in the sense of determining the compatible and non-compatible uses fit together so as to get the greatest use out of an area segment of land rather than trying to say: Is this use or that use compatible on a single acre? Certainly, we know that the administration of the public domain by the BLM is particularly unique. There is no other federal agency that has the responsibilities for the continual classification review of a tract of land; that is, what is the highest and best use of a tract of land or a given area of land? When the Taylor Grazing Act passed, the presumption was that the highest use at that time for the public domain was for grazing. The act also provided the Secretary of the Interior with the authority and the responsibility for classifying the public domain so as to meet demands for newer and higher uses.

Operating under the Taylor Grazing Act gives the BLM a really unique role as a land administrating agency. We cannot operate under the reserve principle as far as the vacant public domain is concerned. With the exception of the O&C lands and joint management on certain reserved lands, such as wildlife or military reservations the BLM does not withdraw lands for management purposes. Basically, we have to operate on the assumption that any unit of land will be classified according to economic and national interests for its highest and best use. This can mean that it is either retained in Federal ownership or transfered to state or private interests under various public land laws. This means that we have to have what the Director constantly refers to as a "balanced use" program, and that is the term we are really desirous of using, rather than the term "multiple use." We feel that the term "balanced use" means we can balance the use and development of all uses, both compatible and non-compatible over any given area of land. It also avoids the problem of trying to define what is a primary or a secondary use.

I think that this approach, this balanced use concept that we have adopted here in the Bureau, does recognized both compatible and non-compatible uses, and in carrying out this unique role of classifying lands for the highest and best use, this concept fits us better than just the bare term "multiple use."

The authority for the classification of the public domain was provided for under section 7 of the Taylor Grazing Act.

As all of us know, some lands pass into state and private ownership upon classification, indicating that such uses are the highest use of the land consistent with both existing and future economic national interests. Some lands are specifically classified for retention when they are thought best to be administered by the federal government for both economic and national interest. Other lands are managed and developed by the BLM that have not been classified as yet. In other words, they are part of the reservoir, they neither have been classified for retention nor have they been classified for transfer of title.

With the authority and the responsibility that the Bureau has; to administer the functions of range and forest management, for the development of minerals, for the execution of cadastral serveys and for land title transfer, we must be constantly aware of compatible and non-compatible uses. We believe that our unique position of having to keep our resource programs flexible and in turn with our classification responsibilities creates a need for flexibility. We are required to meet the demands of economic expansion for lands for private use, or for transfer to the states, to maintain our responsibility for meeting current economic demands for all our resources including, grass, minerals, or timber. We must maintain our responsibility for conserving and protecting the soil and its attendant surface resource. In short, we are also watershed managers. We have a responsibility for retaining certain critical or key lands in federal ownership so as to meet needs of dependent forest and range industries we also have a responsibility to meet a new and growing demand for public recreation on the public domain.

All of these responsibilities add up to the tremendous need for a constant balancing of our programs. How are we meeting the need for recognizing both compatible and non-compatible uses on the public domain?

I have about come to the conclusion personally that there is no real "easy way" to administer the public domain on such a "balanced use" basis. We must be constantly aware of meeting all of our responsibilities not only for resource management today, but for years in the future. In addition (and this is very important), we have to maintain that great reservoir or land in such a manner that the needs of private enterprise will be recognized not only today, but in the future. We know these needs will become greater as the future approaches.

The "easy way" to administer this public domain under the so-called concepts of multiple use would be to lock it up, to reserve it all, and thus be able to insulate ourselves from the pressure of constant demand for land and for new uses which are needed to meet the changing land uses of a dynamic economy. However, I think the "hard way" (and I believe such is our responsibility under the law and under the authority given to us under the Taylor Grazing Act) is one which involves administration of the public domain without benefit of vast withdrawals. We think it is in the public interest to maintain administration of the public domain as we are now doing that is, under the concept of "balanced use" management and under the principles of land classification as spelled out by the Taylor Grazing Act. We believe that we not only have the responsibility to manage, develop and protect our public lands and their resources for use and development, but we have a very definite responsibility to meet the present and future demands of this nation for a private land base, which will be adequate for continuation of our free enterprise system.

It is my firm belief that the only way we can meet these responsibilities is to continue to administer the public land "hard way," as I call it, instead of the "easy way," of depending upon reservations or protection for single or limited purposes.

MR. BROWNFIELD: Any questions, gentlemen?

MR. LEE: Will you define higher use? I liked your other definition of everything. You have two incompatible uses for land, just take anything as an example -- strip coal mining. We don't need coal now. Maybe it is tearing up some of your forest lands, the strip mining. How do you decide what is the higher use?

MR. MEAD: That is one thing I mean, Floyd, by saying we have to do it the "hard way". We have to take into consideration what is the current economic demand. What use can that land be put to to bring the greatest return not only to the government, but to private enterprise in the long run, or the economic needs of the country at that time?

That is what makes this job so difficult. Even though we decided the highest use might be for mining or might not be, there are some who will disagree with us. We prefer to do it the "hard way" rather than take the "easy way."

MR. LEE: I like your term "balanced use" much better.

MR. MEAD: Mr. Hochmuth will be talking some about this problem of highest and best use.

MR. LEE: We are always at the bottom of the totem pole on this highest use business. They consider grazing as the bottom, which we don't.

MR. MEAD: Can't you conceive that sometime when some grazing lands are developed to the highest potential and are maintaining an industry, that certainly it will stand a chance of being considered the highest use at that particular time? I don't think we can lose sight of that possibility.

MR. LEE: Has there ever been once in your classification of land where you classified some land as its highest use being grazing?

MR. MEAD: Yes, sir. I think you will find many cases that way. I am sure that Mr. Hochmuth will agree with me. The Appeal Section will tell you how many they affirmed for grazing under the conditions present now as being the highest use for that land.

MR. BROWNFIELD: Thank you, Mr. Mead.

I think you discussed a problem here that is one of the most important ones facing us today with the tremendous population explosion. I choose to use that word. We have the greatest pressure for land, I think, in our time, and I think there are more people wanting to invest in and own land and use land than ever before. So the multiple use end of it is something that one might say is going to stay with us as long as we use land, Mr. Mead.

I would like to add at this time that under our study of the Outdoor Recreation Review Commission, we found before Alaska became a state, that we had about 58 people per square mile. That doesn't seem like we have many people. On the other hand, the 58 per square mile must begin to make us think that we have to push and push now to acquire some land, otherwise, they will be left out.

Compare that with, say, Great Britain and Japan that have some 550 to 600 per square mile. Russia has 25. Brazil has 17.

So we are going to be confronted with this multiple use problem or balanced use problem from now on, unless the government should choose to cede these lands to the state, and help the state sell them to the individuals, then we wouldn't be freed. Multiple use, if we are going to cooperate with our neighbors, will always be with us. Anyone who has any sizable ranch, whether he owns it all or leases part of it from the government and part from the state, I think enjoys other uses, particularly wildlife uses. You can't control the wildlife and the state game commissions are trying mighty hard, I think, to cooperate with us, so they can help police the land as far as possible and cut down vandalism as far as possible.

But we don't have the answer yet, and we still have to work at that.

The next speaker is Mr. Hochmuth, "Land Classification and Disposal: Disposal trends (Desert Land Entries and Public Sales), use of classification in lieu of withdrawals for retaining key areas, the effect of the Lands program upon grazing district administration."

Mr. Hochmuth, we are glad to have you.

MR. HOCHMUTH: Thank you very much.

You know we don't use the term "disposals" any more in the Bureau. The Assistant Secretary said we couldn't do it. Actually, we now have adopted the term "land title transfer";

First of all, before I begin, the question came up this morning about withdrawals. I think one of the men in the group asked about withdrawals and restorations. If you will open up your statistical appendix to page 61, our latest statistics on withdrawals and revocations, you will note that in the last fiscal year, '59, there was about one million 351 thousand acres withdrawn, and roughly 959,000 acres restored in the public domain. This table, of course, lists them by categories; that is, by states and by types. The Defense Department again led with the total number of withdrawals, about 866,000 acres were withdrawn for the Department of Defense, and about 429,000 were restored. The remainder is spread over a number of agencies, but 110,000 acres were withdrawn by the Forest Service for Service sites of all types. They don't affect (1) the operations of this Bureau and (2) normally they don't affect the operations of grazing on national forests. These were mostly withdrawals from mining locations under the mining laws.

As of June 30th, 1959, the total acres under withdrawal application amounted to 17,234,000; however, again the big acreage about 16 million is in Alaska. Of the million acres under withdrawal application in the lower States about 850,000 acres in the State of California, these are proposed withdrawals for wildlife purposes. The big acreage in Alaska, as you probably know, is two areas for wildlife purposes. One, the Alaskan Game Range, which is under withdrawal application, but also is contained in a legislative proposal to withdraw the 7 million acres under special rules. That is about 7 million acres.

Were there any questions at this stage on withdrawals before I proceed on to a briefing on the general land program?

I will review briefly what we have done, what is in the mill and what the future looks like. To make Mr. Lee happy, I will start right away on small tracts.

MR. LEE: You can make me nappy on both.

MR. HOCHMUTH: Or to the contrary.

The small tract program, as we have known it now, has changed greatly in the last two or three years. It is in part a controlled program in the sense that we can no longer afford the luxury of allowing thousands of small tract applications spread at will across the public domain. Why did we come to this decision? Many of the small tract applications were filed by persons who were not knowledgeable about the land upon which they were filing. The applications were filed through agents, and land locators. This is particularly true in California and the other Southwestern states. We have proposed to control these land locators by legislation. In any event, now we have little or no small tract application process going on in Southern California. It is pretty well cleaned up. The situation, as it now exists in Southern Nevada, is similar.

In Maricopa and Mohave counties, Arizona and the area around Tucson, we have had to do the same thing, for these very, same reasons. It is now getting to the point where the small tract act is being used in attempt to get small tracts of land, for any purpose but homesites or recreation.

The Department has supported the Bureau on our decisions which turned down thousands of these applications. You need not have the fear of this situation you had before, Mr. Lee. It has taken three or four years to get a good picture of it.

We now know that small tracts will not spread all over the public domain. Before we proceed very far, in small tract classification work we are cooperating closely with county officials, they are the ones who are burdened in the end when we place people out in the rural areas. We have a good program, where there is cooperation with the county officials. If they say, "No," we don't do it. The county has to build the roads and provide the sanitary facilities, and so on.

I think it looks better than it did before. We now have H.R. 7042, the legislative proposal that the Director mentioned this morning, which we hope will displace the small tract act around growing towns, and cities. It also will also displace some of our activity under Section 8 of the Taylor Grazing Act. In some land exchanges the applicants have been exchanging low-value lands for high-value lands. In respect to these private exchanges we have new policy directives from the Department.

Essentially this new policy says that only under the most compelling circumstances will there be any more private exchanges except in ranching units. The result is that like lands will have to traded for like lands which will result in an unsured land pattern for the United States lands and for the ranchers. That is the way these exchange of lands are going to turn out, because it is too difficult and you can't please everybody by trying to make exchanges for land speculators. But in the future land speculators who want to get public land around developing cities and towns, will have to do it under new legislation and not by land exchanges.

The BLM is not in the subdivision business. Private enterprise should do it. The land exchange law is not the way we can do it. New legislation is needed and we have made the proposal, and it has been over on the Hill for over a year. We hope it will come through.

The next subject of which you have interest is the homestead and desert land acts. These are laws which in certain places may still have their usefulness, but in other instances and in other circumstances, they are the most archaic of public land laws. We can see where the desert land act and the homestead act as such are gradually fading out. This is something that doesn't die easily. We are beginning to find out that the demand for public lands in certain areas is such that many people in filing under the Desert Land Act or under the Homestead Act, certify to anything. When we become certain that the applicants don't know a thing about the type of land they are filing on and to the extent that this land, only by the most difficult of agricultural practices, can be made into some type of farm, there is a question of the public policy. But I am not going to argue for or against these laws. What I am saying is that we are finding that in certain places and under certain circumstances the agricultural land laws have outlived their usefulness.

One other subject that I want to cover is public sales. We have had a lot of difficulty with public sales, although we have had a great deal of success with them in certain instances. The gentleman from Colorado will recall that several months ago we sold about 60,000 acres in Eastern Colorado under the Public Sale Act. It was a very successful sale. Who bought the land? The ranchers who were using the land. These were isolated tracts inside of ranching units. It was a matter of easier management for them. In other areas the public sales act is applied with increasing difficulty near expanding cities and towns. The market is changing, and changing so fast on these lands that they are difficult to appraise. The preference right provision of the Public Sale Act is being misused. We find that people, are purchasing acres adjoining a section of land for the purposes of obtaining a preference right. It is affecting the competitive aspects of the sale, It is affecting the opportunities of the adjoining owner to purchase, be he rancher or just land owner. That is something which we are working on now, and there are legislative proposals in the mill, which, if enacted into law, would require the adjoining owner to have held the adjoining land for a certain length of time. It would then give the legitimate land owners a chance to compete without having been affected by the fly-by-night operator who comes in and buys a piece or options a piece and buys it, and then, when he gets the public land, transfers the five acres back to the original owner.

Enough of that. One last final remark, and that is something we haven't solved yet, and that is the use of Section 7 classifications under the Taylor Grazing Act for protection of land in public ownership for multiple use. In other words, we are still faced with the 911,000 acres under application for wildlife areas. One of these applications happens to cover about 256,000 acres inside a grazing district, but we haven't solved the problem of whether we can make section 7 classifications sufficiently solid in order to have an area there where the public is guaranteed access for hunting and fishing, where the state game and fish commission has all the access and all the authority and all the tenure on that land in order to do the programs where they want, where the rancher continues with his grazing operations, where oil and gas leases may go on if there is oil and gas there, or mining locations may continue.

We are working on this, and we hope that within the next year we will have something set up that will be approved so that we can use Section 7 of the Taylor Grazing Act in confidence for multiple. If classification does not work then the alternative appears to be withdrawn wildlife areas.

MR. LEE: Just for your information, they have still been advertising over the radio these 5-acre tracts. So I am glad to see you are making some headway.

MR. HOCHMUTH: We talked about the New Mexico situation just exactly what you are talking about. There is a stretch between Albuquerque and Sante Fe where they are building that new reservoir. There is likely to be activity there. We better plan that area so we know how we will sell those tracts rather than let a bunch of applications pile up and mess up the whole thing.

MR. KIDD: On your desert entry, I understand you classify it for its highest use. The thing that I and others are having a hard time understanding is why some of these are classified the way they are and whether they are going to higher use or not. I will give you an example in our area. In our area you can reach water four or five hundred feet by well. If that piece of land is lost as being classified for higher use and good agriculture, and that person doesn't do anything, only sprinkle it with some water and raise livestock on it, the disrupting livestock setup that is set up there, disrupting his ranch there, upsetting his year-end operation, we don't feel that is a higher use. Another thing in the same vein, in some of the Crestwood outlying areas, where they can drill a well three or four miles away from the land, run the water down to it, it is appraised, it looks like it is going to a higher use, and after they get the patent on it, they use their water on other lands and their land stays and it is put right back in the kind of use it came from.

MR. HOCHMUTH: Let me comment on the last statement. After the land is patented we have no control over what the individual does subsequently. He may then take the water off. But before it is patented he must comply with the law, he must cultivate one-eight of the entry and also have enough water to cultivate all the cultivatable portions of that land with the common crops grown in that vicinity. I don't think there is any question that we have made a lot of mistakes on this thing. In the past we have. I think we are making fewer and fewer mistakes of more recent date. But the thing is that he doesn't go to patent unless he has made that compliance with the law. Where we make a mistake, if we make a mistake, it is to allow the entry originally. But if a farm can be developed such as along the Snake River of Idaho we must classify favorably. We have had more desert land entries in Idaho than all the other states combined in the last few years, because of the water situation. Whether we have made some mistakes or not, I don't know. But if they can make a farm out of it, under the law, we have a responsibility to classify it that way. As I said, there are fewer and fewer every year.

MR. KIDD: I don't agree with you that Idaho has had a lot of water and has had its reputation built up and saying I am going to drill a hole, and it is passed. That is the way it appears. Anybody knows that this land wouldn't make a very good farm and it is allowed. Your reputation is pretty high.

MR. HOCHMUTH: I might say that is true, but in a lot of cases you say everybody knows that it won't make a good farm, but the county agent comes in and says it will be developed into a farm. We have made mistakes. All I can say is that we will make a lot less in the future.

MR. KIDD: The county agent has a lot of good friends, too.

MR. HOCHMUTH: I am sure of that.

MR. BROWNFIELD: Thank you, Mr. Hochmuth.

I don't want to push this agenda too fast, but if you have no more questions --

MR. STRINGHAM: Mr. Hochmuth, you referred to county commissioners, you get the consent of county commissioners. You mean consent or do you refer it to the county commissioners when you sell even a five-acre plot or larger plot?

MR. HOCHMUTH: I am saying where we put people on small pieces of land we have been working closely with the boards of supervisors or the county commissioners as to what objections they have. If they raise quite serious objections, it would be foolhardy to proceed, and we haven't been.

MR. STRINGHAM: I am for you.

MR. BROWNFIELD: In an application for a 5-acre tract, just an ordinary well for house use would be sufficient for the establishment of a home. But in a desert land, he must have sufficient water to irrigate the land; isn't that correct, before you allow the application?

MR. HOCHMUTH: Before we allow the entry, there must be evidence that there is sufficient water to irrigate the land. Before we give the entry man a patent, he must have produced sufficient water to irrigate all the portions that can be irrigated and must have irrigated and cultivated one-eighth of the entry.

MR. BROWNFIELD: Of 320?

MR. HOCHMUTH: Yes. If it is 320 acres of flat land, he must have water for that. In the Southwestern desert states, it would be about 4-acre feet. If he doesn't have it, he gets an entry only to the extent that he has water. If he has water for just 20 or 40 acres, we will refuse it, because that is not an economic unit. No family can live on that type of unit.

MR. STRINGHAM: Mr. Chairman, that isn't necessary where you have dry farming areas. Water is not a consideration there where a man can prove he can raise a fair crop in dry farming. Could you have those problems?

MR. HOCHMUTH: I am speaking for myself now. But so far as I am concerned about the public domain, you can't find any more dry farming areas that will make a successful farm on 160 acres, even perhaps the 320 acre enlarged homestead.

MR. BROWNFIELD: What did you do in New Mexico?

MR. HOCHMUTH: That is the homestead trespass. It is solved so far as the court is concerned. We won a little less than a year ago on that.

MR. BROWNFIELD: People are still living there.

MR. HOCHMUTH: One gentleman is. I add, however, that I presume he is not there any more. I understand that the United States Marshal went out there last week. One of the other trespassers was sold a 5 acre tract under the court decree.

This particular trespass matter had been going on since 1936.

MR. FAULKNER: Mr Chairman, in our area we have quite a lot of land going in on this. They take these lands up and farm them dry and then, after it has been cultivated for so many years, you can put them in your soil conservation and draw all the way from $7 to $12 an acre, and let them lay idle and in Idaho there has been considerable of those lands under government payments.

I can name two or three instances where it has happened. They take up this land and farm it. They can't take up but 160, but there are others in the family or somebody else, and there has been considerable of those lands in certain areas.

Then they seed them back to grass and the government will pay them $7, $8, or $10 an acre to let them lie idle. They have to have a wheat allotment if they raise wheat. They can raise barley and such without an allotment.

MR. HOCHMUTH: After we pass title to the land, what the individual does with it is something over which we have no control. But we became cognizant of what you point out and we reported it to the Department of Agriculture about three years ago. A person who is earning title thru an allowed entry cannot participate in the soil bank. So some of it may have happened, but once we became cognizant of it, we notified the Department of Agriculture, and I think they stopped it. They should have.

MR. FAULKNER: There was some still going on or did last year certainly.

MR. SWALLOW: I would like to ask Mr. Hochmuth a question. You mentioned whereby an applicant can take up approximately 1250 acres for commercial purposes. Can you spell that out a little bit? In other words, who can make the application, under what conditions, and so forth?

MR. HOCHMUTH: The bill HR 7042 has several provisions. It provides that you, that any one application cannot include more than 1280 acres but any applicant can have three applications pending. It also has a preference provision for public agencies. It has a provision that a city or county, a local agency may purchase this land at the appraised price. The land agencies have the first choice to take the land for industrial purposes or business purposes or subdivision purposes or industrial parks, and so forth. If they don't want it and we still think it is usable for that purpose and that it be classified that way, we then have several alternatives we can undertake.

First of all, to sell to private parties we must get the plans approved by the local county board, the local agency that is involved. Then we can do several things. We can contract to have the land subdivided by an engineer or subdivider, and the contractor will put in all the necessary roads and lots, and so on, but not the utilities, we then will auction the lots. Or we can subdivide it with our own personnel and then auction the lots.

In either instance, these tracts will be sold at public auction then. It also provides for tracts to be set aside for the local community for parks, schools, recreation. In other words, we are setting up additions to towns. But it could happen that out in the rural area, where an industry wanted to start a new industry and we could classify 1280 acres or less and they could bid on it and buy it. However we believe that the act if passed will be most useful around cities and towns such as -- Henderson, Las Vegas, some of the towns in the desert in Southern California, Phoenix, Tucson, Albuquerque, Sante Fe.

MR. LEE: The rancher has a little protection now. If he wants to use it, he can go in and file a uranium claim on that land, and that holds those fellows up.

MR. HOCHMUTH: He can't. Under the law we have provided for a segregated feature. Once we have decided that the land is to classified, we can segregate it which does several things. (1) It prevents mining claims from being filed on it under the proposed law. It prevents anybody from filing a conflicting application until we decide what to do. The protection you are talking about is through your local officials, your board of supervisors, or county officials, county commissioners, because they are the ones, in the end, that will have the ultimate say-so and how the land will be subdivided.

MR. LEE: Under the present law the way we are working, for instance, what he is talking about, up in Idaho, some fellow is getting 300 acres for a farm or something who isn't entitled to it. That isn't what he wants; under our present law he can file a uranium claim and that will stop the government selling that land. That is what your ruling has been up to date.

MR. HOCHMUTH: That is true if there is a mining claim on it. We have to get you jokers off, your miners off, first; is that right?

MR. LEE: What I mean, a fellow that is trying to protect his ranch and trying to keep from having some land sold inside of his pasture, if he finds that is happening, he will take a uranium claim and that will stop all the sales or any other mining claim or whatever he can. That is the way you have been doing it. We had a Spanish-American in New Mexico. We turned him down because he didn't have any permanent water. He wrote back then in a week and he said, "Never mind about my water. I can make water whenever I want to."

MR. HOCHMUTH: All I can say, Mr. Lee, is we don't recommend this procedure. I wouldn't recommend this procedure to this group.

MR. LEE: I wouldn't either. But I am telling what they can do.

MR. HOCHMUTH: Because sometimes they may have a tract of land they want to buy, but if they filed a mining claim on it, we can't sell it.

MR. LEE: It is a two-bladed knife.

MR. HOCHMUTH: And there are several prongs to both blades.

MR. LEE: I wasn't advising them to do it.

MR. BROWNFIELD: Your Jack Paar remark might go into the record.

MR. LEE: That he could make water whenever he wants.

MR. STRINGHAM: May I ask another question. This law which permits anybody to purchase or acquire 12,800 acres, six plots in each year through the next three years and then 640 every year from then on through eternity, 6600 acres from then on, is that a new law and is that possible for anybody to do that?

The reason we are alarmed in Utah we have a state park service recently set up, and this law, I understand, was passed for them. Eventually they will take the whole state. What do you propose to do about that?

MR. HOCHMUTH: Not let them take it.

MR. STRINGHAM: You have a law that permits them to.

MR. HOCHMUTH: You are talking about the Recreation Public Purposes Act, passed in 1926, amended in 1954. and amended in the last session of Congress. Previous to the last amendment, that act provided that a state or any of its entities which were authorized under state law to hold lands in their own name could purchase up to 640 acres a year for public purposes or for recreation. In the last session of Congress, the law was amended to provide that the state could purchase up to 6400 acres a year for Recreation but only 640 acres a year for public purposes. Then because of the State of Utah said this worked an inequity on them, the Congress tacked another amendment on which said, for the next three years a state could purchase 12,800 acres, just double the annual allotment.

MR. STRINGHAM: Three locations each year.

MR. HOCHMUTH: The original amendment said three locations, and 6400 acres a year, and then they said, but for the next three year -- 1960, 1961, 1962 -- they can have six locations and 12,800 acres. This is dependent upon classification. Just because the State of Utah says they want 12,800 acres in the park is no assurance they are going to get it. I mean this is just one of those things we have to work out on its merits, whether it actually is a park. There are a lot of other things involved and I don't want to get into the differences of opinion we may have with the State of Utah on this system.

However, this is to assist the states to build up a park system of some kind. Now, the 640 acres limitation in the bill for recreation continues for private, non-profit corporations and associations. They can buy up to the 640 acres a year.

MR. STRINGHAM: Mr. Chairman, one other question, and I am through: How many of the Western states represented here today have a state park system? I am talking about public domain state park system, such as we propose in Utah.

MR. HOCHMUTH: None of them have such grandiose plans as the State of Utah.

MR. STRINGHAM: That is a good word.

MR. HOCHMUTH: I think I could think of a better word, but that is good enough for the circumstances. None of them have the plans that the State of Utah has. The State of Utah in the brochure they put out for their state park system made two statements which I think the future will prove to be in error. One is that they plan to acquire about a million and a half acres of public domain land, and (2), that they thought they could get it for free.

We are selling small acreages or leasing small acreages to the various Western states -- California a little, Oregon. I don't think Idaho has any particular program for state parks, although the state fish and game commission can purchase lands, and they are. In many states, except Utah, the fish and game commissions are much more active than the state parks are. Some of the states don't have a park system. Arizona and New Mexico are in the rudimentary stages of a state park system. Nevada is also. Utah is in a rudimentary stage. They have only been operating, this is the third year. They will settle down and perhaps simmer down to a realistic program in the next two or three years.

MR. LEE: Is the State Senate in Utah allowing this thing?

MR. STRINGHAM: I voted for the bill.

MR. BROWNFIELD: My reaction is that that bill is a little premature, the same as the Wilderness Bill, until the Outdoor Recreation Review Commission makes its report, which September 1961. I wouldn't like to see either bill passed until that report is submitted.

MR. HORN: Mr. Chairman, I would like to ask Mr. Hochmuth a question. The State Game and Fish Department is buying a lot of land on the Colorado River. It is winter deer range and is tying up a lot of fellows' permits. Permittees weren't the ones who mentioned it to me any more than district officials. They were afraid that it would hurt some range pretty badly over there. How much can they buy? And how badly can they hurt those permits? Is there any way the boys can be protected?

MR. HOCHMUTH: Under the recreation public purposes act, the state game and fish commission can buy 640 acres a year for the public purposes part of it. The state park system, if they classify that as a recreation area, can buy up to 6400 acres a year.

MR. HORN: The Colorado River runs through it. They are talking fishing, which isn't much of an item.

MR. HOCHMUTH: This is on the Colorado River itself?

MR. HORN: It is on the Colorado River itself, but it is quite a winter range country there. The deer have used it right along with the livestock.

MR. HOCHMUTH: You will be happy to know this. They had an application to withdraw about 250,000 acres in that area, as you know.

MR. HORN: Yes.

MR. HOCHMUTH: They agreed to drop it. In a sense, we didn't talk them out of it, but we showed them at least the strength of the Section 7 of the Taylor Grazing Act for multiple use, but this is something taking me a little far afield. You ought to talk to range management people because this is a question of what is going to come first, unless you reduce those deer herds.

MR. HORN: Not necessarily. It wouldn't change the amount of carrying capacity of the deer herds at all. It wouldn't change that because they have used that for years, and it has been accessible to them.

MR. HOCHMUTH: The answer to them is that we can lease the land. We can lease all the acres we want to them. They are not about to lease it. We can only sell 6400 acres a year. They withdraw it under the Coordination Act.

MR. BROWNFIELD: Didn't Senator Moss have a bill in?

MR. HOCHMUTH: Yes, there is another legislative proposal in not to lift the 6400 acre limitation, but to make the limitation apply to the year of application. The limitation actually is this. We cannot patent over 6400 acres to a state for recreation purposes in one year. The Moss bill and the bill introduced, I think, by all the Utah delegation, it is an identical bill both in the House and in the Senate, says that the acreage limitation will apply in the year in which they applied for it. They tell us that there we are so slow on this that we don't give them 6400 acres a year. The State of Utah is the only one that is worring about it.

MR. LEE: Say it went to the maximum, what you are talking about, a million 200 thousand acres.

MR. HOCHMUTH: Something like that.

MR. LEE: Say it went to that. And you gave title to them for their park system. A little while ago you said you can't control it after the title has passed. Is there any thing in the title, when the next legislature convenes in Utah, after you get the title, the 1,200,000, and they say, "We are hard up and we can't carry on a park system of anything like this size, so we decide to do away with that park system," then could the State of Utah sell that land to a private owner after they had received it under a park grant?

MR. HOCHMUTH: Under your assumption that they would obtain over a million acres?

MR. LEE: Yes.

MR. HOCHMUTH: I want to make clear, (1) the law says -- I left out one other particular change in the law that was changed in the last session. Before when we passed title under the Recreation and Public Purposes Act, there was a 25-year reverter limitation. If they didn't use it for 25 years for the purpose for which it was granted, it would revert to the United States. In enlarging the limitation from 640 to 6400, acres the Congress said, "All right, put a perpetual reversionary interest to the United States." So from now on they --

MR. LEE: It would have to stay there for parks.

MR. HOCHMUTH: And only if they came for a special act of Congress to take it off.

MR. STRINGHAM: It could revert back if they didn't use it. it could revert back to the United States?

MR. HOCHMUTH: It could.

MR. STRINGHAM: And would if it weren't used for park purposes.

MR. HOCHMUTH: Yes.

MR. FAULKNER: Is there anything definite that they have to call for use as park purposes?

MR. HOCHMUTH: This is the $6400 question. What is a park, and what is a land management area? And this is one of the discussions, shall we say, we have had with the State of Utah. What is a park and what is a land management area. Under the law the state passed three years ago, which permits them to graze, to lease for grazing, to cut timber --

MR. STRINGHAM: Multiple use.

MR. HOCHMUTH: Is that park or a land management area?

MR. STRINGHAM: Yes.

MR. HOCHMUTH: It permits them to conduct mining operations on a leasing system. However, these federal lands that may go into a state park system, the minerals are always reserved to the United States. This is a $64 question. I don't know what the answer is. We are working with the Park Service on it now. What constitutes a park under the provision of law and what constitutes something else for purposes of obtaining land for multiple management?

MR. BROWNFIELD: Thanks again.

The chair now announces that it is 9:30 Wednesday morning and we will proceed with the agenda. Mr. Kerr, "General progress in range management, problems encountered, staffing needs."

MR. KERR: It isn't 9:30 in the morning and I am not ready to talk.

MR. BROWNFIELD: Now that you have had your breakfast.

MR. KERR: I am still a little sleepy, so you will excuse me if I miss some of the words.

Progress in Management: The job of implementing sound management of the federal ranges through bringing grazing uses into line with the grazing capacity, the installation of needed stockwaters and other range improvements, and taking advantage of opportunities for increasing the forage production through range seeding and removal of competing sagebrush and other low-value or valueless shrub species has been successful over extensive areas since about 1938.

Results during the past year have been quite variable. In a number of grazing units, the users, advisory boards and range staffs have adjusted the uses to fit the grazing capacity and range rehabilitation measures are under way. In half a dozen units in three states there is strong resistence to any downward adjustments in stocking of the range. Appeals were filed and the condition of the range is continuing to depreciate during the period required to dispose of the appeals.

The most discouraging block to getting the job done is the clamor of a relatively minor group of range users against the validity of the Bureau's range surveys. You are all aware of the Bureau's disclaimer that our surveys provide a precisely accurate measurement of the forage supplies on an area of range. Many of you also know from experience, however, that our surveys over the past 23 years have provided a very close approximation of the grazing capacity. Adjudications have been completed and allotments successfully established on the basis of these surveys; to comply with the demands of the appellants in these cases and some others, that all reductions in grazing use shown by our surveys to be necessary should be deferred for five years or more while condition studies on the range are made are unwarranted in the light of our past record, and if complied with, would in the end very likely boomerang to the serious disadvantage of the range livestock industry in the western states. There are many other groups of people who have not as definite or direct an interest in these federal lands as the stockmen, but they do have an interest.

I might say that it is only within the last couple of years that there has been much objection to surveys. Criticism has been levied that they are inaccurate and that they didn't serve as a valid basis especially for reducing numbers of livestock on the range in order to meet the grazing capacity that the surveys showed was there.

Myrv Noble will explain in his talk the steps we are taking in our efforts to improve range survey procedures.

Other problems that confront us are related mainly to appropriations. There has been no significant increase in our appropriation in range administration for a number of years. During this period there has been a steady and sizable increase in all costs of operation, including salaries, travel, housing, equipment, materials and supplies. As a result, our practice of employing college students during the summer on range surveys and similar work is being dropped for the 1961 fiscal plans. Employment of replacements for permanent employees on the range staff whose services are lost for one reason or another will have to be deferred indefinitely.

This is a critical handicap to the range program, particularly in view of the already slim staffing in this program of the districts. I would like to point out something that relates back to the statement that Ed Carroll made regarding the number of people in the Bureau that are employed on these range conservation standards. We do have about 300, but all of them aren't on range administration. We have our soil and moisture conservation program, the weed control program and range improvement program, all of which require a number of range conservationists. Actually only 140 range managers and conservationists are employed on the range management program and the responsibilities that go with that job in 59 grazing districts. As a consequence the advanced planning in management necessary to gear management with the rehabilitation and improvement programs is becoming increasingly difficult. Requests for individual allotments which are increasing daily must be delayed sometimes for months, because manpower is unavailable to work out agreements between users on allotment boundaries. Supervision of range uses, investigation of trespass, and so forth, which have been notoriously weak for years can be given less and less attention.

In the matter of staffing needs, the staffing for range management of one, two or three men, depending upon the size of the district as proposed in the Nicholson Plan, is not adequate for the job as we find it today. In my opinion, we should have at least one additional man for each district.

In one state office we have two men assigned to range work. In the other nine offices there is only one range man. At least two men are required to provide the necessary assistance and supervision of grazing district operations and to maintain at a desirable level the contacts and cooperation on a state-wide basis with other federal and state agencies. With the additions indicated a far better job of range management can be done.

It will take a considerable increase in appropriations, and that is something that we don't see certainly for 1961. Maybe things will be better in '62.

Are there any questions?

MR. HAY: Jerry, I have a question. At the outset of your remarks you spoke about sagebrush and less valuable forage crops. Do you think the attitude now is that sagebrush is of no value?

MR. KERR: No, sir. I was careful, I thought, to --

MR. HAY: I wish you would read that again.

MR. KERR: Removal of competing sagebrush and other low-value or valueless shrub species.

MR. HAY: You think it is a low-value forage crop?

MR. KERR: Over the 11 million acres we have of it, yes.

MR. HAY: Would you qualify it?

MR. KERRY: Sure, I would qualify it. How do you want it qualified?

MR. HAY: Do you think in some areas sagebrush is good?

MR. KERR: No question about it. In the red desert areas of Wyoming the brown sage makes excellent sheep forage.

MR. HAY: Black sage.

MR. KERR: When it grows seedheads, very good.

MR. HAY: You said something else. You said six districts in three states.

MR. KERR: That is right.

MR. HAY: What are the six districts in the three states?

MR. KERR: Two districts in Wyoming. Three districts in Oregon and one district in Idaho.

MR. HAY: What are the districts from Wyoming?

MR. KERR: Two units in Wyoming. The Kerby tract and the Ten Sleep unit in the Worland district.

MR. HAY: Kirby?

MR. KERR: Yes, sir.

MR. HAY: Ten Sleep?

MR. KERR: Yes, sir.

MR. HAY: I have one other question, Jerry. You speak of increasing the manpower in your organization. You referred back to the Nicholson report and said that it was obsolete, and you cannot do the work you have to do today with apparently the manpower controls established at that time. You are in the administration end of this department. You are concerned with getting the job done. Your lot as manager is no different than a manager in any business. A man charged with the responsibility to do something would like to have all the manpower in the world and all the machinery and all the equipment to do it. There are certain limiting factors in a business and that is your income, the amount you have to do the job with.

Now, there are some of us who are of the opinion that you have enough manpower to do your job in the Grazing Department of the Bureau of Land Management and what is needed is a little better management, is a little better effort on the part of the employees and not more employees. And I for one do not feel that each one of these districts needs an additional man. In fact, I think the time has come in the Bureau of Land Management when some of these districts could be consolidated, some of this personnel put to doing more work or in some instances, eliminated, and I think that the time has come that we are going to have to measure this thing from the standpoint of what we can save and still do a good job, instead of thinking how many more men we are going to have to add and how much more we are going to have to do.

I will have to take direct issue with you on the personnel numbers, the amount of work and the job for the personnel to do. I for one feel that the program in our state could be carried on very effectively, the range conservation can be accomplished and the public trusteeship of the public domain could be carried out without as many personnel, possibly with fewer personnel.

I am sorry. I respect your judgment, but I can't see it.

MR. KERR: It is quite all right. If I didn't have you to argue with, I wouldn't feel I had my job.

When you consider the fact that on an average we have one range man to manage and administer over a million acres each, that is an average, that is quite a hunk of country to cover. That is exactly what we have. You take a little district like the Pine Dale, one man can do it. If you are thoroughly happy with conditions in Rock Springs, maybe we can move a man or so out of there, and put him in another district. If you feel those men aren't working as they should be working, certainly I would like to know about that. I wasn't aware of there being conditions of that sort existing over the districts. But I know that the recommendations that were carried in the Nicholson Plan had the careful consideration of the board members of the districts in advance, and it didn't come out as just a wave of the hand. It wasn't Nicholson's accomplishment by itself. However, what we are confronted with here is, judging the conditions in our various districts, if after 25 years of district administration, we still have dozens of districts where the adjudications have not been completed, where overgrazing is continuing, the ranges are continuing to deteriorate, then we are not doing our job in my estimation. And I know that is a fact.

MR. HAY: But, Jerry, you have plenty of men to take care of those conditions. You have had them all the time.

MR. KERR: We have?

MR. HAY: Sure.

MR. KERR: Why didn't we get the job done? In the first place, up until 1946 you know how many men we had in the districts, don't you?

MR. HAY: I know how hard those men worked. They worked all day and lots of times they went back in the office in the evening and worked and they worked Saturdays and Sundays, and they did a terrific job, and I am complimenting those men. And I think that maybe you need a little bit of that same desire today that you had then.

MR. KERR: That would be wonderful. And don't get the idea that we have a bunch of dullards out in the district now, too. Maybe we are not putting in as much overtime as the old boys did, but they are putting in their time and earning their pay.

MR. HAY: I think we can do the job with the personnel we have.

MR. KERR: I wish we could.

MR. BROWNFIELD: Maybe at this point, Jerry, it would be wise for the Council to consider requesting the Bureau of Agricultural Economics to come up with another study on what service yields to the public and what the grazing is so that the Congressional appropriations committees could determine in discussing the appropriations rather than criticizing the grazing end of your service, put the burden on them, to see that it is necessary to supply some more money in the interest of the public, rather than just the grazing.

MR. KERR: I don't know whether we would call on Agriculture to obtain this study, similar to the one made by the Bureau of Agricultural Economics. I suppose they still have that staffing available, but I would think it would be a very worth-while thing to have done, because that study was made in 1946. Conditions have changed tremendously since that time.

MR. HAY: Mr. Chairman, I think, in fairness to Jerry and in fairness to the rest of us here, we are charged with the responsibility of administration of these public lands. I would like to just go around the table here and see what each member thinks about the number of personnel in their particular states, if they think they are adequate to do the job or not, unless they object to it. I think this is something we are all vitally concerned with.

MR. STRINGHAM: Mr. Chairman, may I have first crack at this. I thoroughly disagree with him. I agree thoroughly with Mr. Kerr, because we are here and we have gone twentyfive years -- take our little unit. Let's talk through our own experience. We are right where we were 25 years ago. We haven't been raised. We haven't got a range survey. We are the same as we were 25 years ago.

We had private allotments at one time, ten-year permits. Now they cut us down to licenses, because they can't get to us to survey the ranges I think it is ridiculous not to require more help until we get that thing done.

MR. HAY: What did you base your ten-year permit on if you didn't have a range survey?

MR. STRINGHAM: On guesses.

MR. HAY: On whose guesses?

MR. STRINGHAM: On the stockman's guesses.

MR. HAY: I don't think the Bureau of Land Management in the State of Utah would issue ten-year permits unless they had the factual material on it. It certainly wasn't handled that way in our state.

MR. STRINGHAM: It was in ours. We merely met and they said, "You take this and you take that." And we agreed for the ten years, and now they are canceling it.

MR. HAY: We don't have that situation in our area. That is a very unfortunate situation in Briant's district.

MR. FAULKNER: In our state we have some that have been adjudicated, and we have some that haven't been. But in our area I don't believe that I am in a position to say whether they need more help or not for the simple reason I don't know enough about the book work to say exactly what has to be done. I know you go there and the boys seem to be quite busy and you almost have to get an appointment with some of them to get to meet them.

In Idaho the adjudications are coming along pretty good. There are a few appeal decisions that have been held up and they have held us up some. I couldn't say we would get along with less men than we have today. I don't know what we need additional, but I don't believe we could cut the staff in Idaho as far as personnel is concerned.

MR. BROWNFIELD: Anyone else?

MR. DOYLE: Did I understand that they were dropping the services of college students for 1960?

MR. DERR: '61.

MR. DOYLE: You had them in 1959?

MR. KERR: Yes, sir.

MR. DOYLE: On adjudication work?

MR. KERR: Range surveys.

MR. DOYLE: Have their services been entirely satisfactory?

MR. KERR: Yes, generally speaking. As you do with any group of boys, you find some very good and some not so good, but, bear in mind, that we have to have, each crew of these college boys supervised by experienced range men. And they are supervised closely on the work they do day by day, and then on the final job.

MR. DOYLE: One more question. Would there be any correlation between the services of these college students on an adjudication program and 81 per cent across the board by way of a cut in the grazing capacity?

MR. KERR: No, I wouldn't think so. I think that is the range, that unit of range you are talking about.

MR. HUGHES: I want to question you a little bit on this statement about the fact that in certain districts they do not want cuts made even if the matter is known to the board to be to the best interests of the range to reduce grazing; in so far as my observation has gone, that is not correct. On the other hand, we find (and I think I speak advisedly on this) that the opinion of your advisory boards, if it conflicts with the opinion of a range surveyor or management, is to be thrown aside.

I refer to a particular instance which I don't bring up to get local problems in, but which I assume is illustrative of the attitude of the Bureau in connection with advisory boards. I refer to the East Paradox area. For a long number of years, that has had the same number of livestock on it. It is true there was an error made somewhere along the line. Oh, I think probably half the grazing land is in private ownership and is leased by the users, some users, or owned by some users.

They had given credit to that grazing land, increased the number of livestock (it is cattle in that area) that could be put on and permitted those livestock to run on the public lands for the full period of grazing, and then put them back on the private lands.

Well, it was just a mathematical error that would materially increase the number of livestock that was on the land. They gave those men a 56-per-cent cut, if my memory serves me right. The board worked out a deal, which, I am sure, was a compromise, first, to take a 25-per-cent cut, have it half in time and half in numbers, make the adjustment which they had already caught in the error and had made the other adjustment on, and then use that for a year or two years, and see what conditions were and, if that cut was too severe, restore, in part at least, if it wasn't sufficient to go along with an additional cut.

The result was that administation said, no, they had to take their cut. We still tried to work out a compromise. The second one was based on the full cut, but it got us no-where. So they take an appeal, full numbers on it. That probably will go along for at least two years, possibly three.

I suggest to administration that they ought to listen more to the advisory board. We could have worked that thing out where it would have been better for the range, more agreeable atmosphere all the way around if we had been permitted to go along and get a compromise on a 25-per-cent cut now and let the future take care of itself.

I would say this further. I happen to come through there about a week ago or ten days ago. The full number of cattle are on, and they are -- I don't actually want to use the term "top shape" -- but they are pretty close to top shape, which would seem to justify the theory that, or the thinking that a full cut wasn't necessary to 56 per cent, because 100 per cent are on there now.

And I make the suggestion that if you will give more consideration to the judgment of the advisory board, go along with them, you might have less need for more manpower in your districts.

MR. KERR: I recall very definitely your letter, Dan, regarding that situation and your suggestion for the compromise, and the answer that was given to you was based on Section 161.6 (2) (3) of the regulations. You would come out with a range survey which showed what the grazing capacity was and it showed that a reduction of 50 to 56 per cent was necessary. The section that I referred to reads: "No license or permit will confer grazing privileges in excess of the grazing capacity of the federal range to be used."

This graduated cut provision that is in the regulation that is now pending before the Department, the final publication of which has been held up until we had an opportunity to discuss it with you here today, would permit just this sort of thing that you wanted to do.

MR. HUGHES: You are still accepting the opinion of the range surveyor as being positive, and it is only an opinion, after all, whether the range was overgrazed to the point of 56 per cent or 25 per cent. That is true, isn't it?

MR. KERR: Yes, that is right.

MR. HUGHES: In other words, grazing is not determined by arithmetic as far as I know. Most stockmen think that it is determined to a large extent by the condition of the animals that are grazing on the area involved. And all we were saying was that our opinion should be considered in determining the statement contained in the Code as well as that of other people.

When I say "our opinion," I refer to the particular members of the board who live in that community, who are not using this area, and had given the material study.

MR. LEE: Judge, wasn't the original intent of the law, when we wrote the law, that the theorist or the men in the government who have the theoretical judgment of the range would be balanced by the practical or so-called practical judgment of the user of the range, which is the board, and that the judgment of the two should be coordinated all the time? That was the fundamental of the act when it was written. That is why the boards are in there.

MR. KERR: Yes. I contend that the advisory boards are still being used, considered as to their recommendations just as fully as they were when the districts first got under way. We do not have to rely on the boards quite so much, because at that time the man who were working for the government in 1935 and 1936, many of them were totally unfamiliar with the area of range they were dealing with, with the people who ran livestock in those areas, and with their past livestock practices, and so complete reliance was placed on the advisory board for all information concerning livestock operations in the district.

You fellows know that. I don't have to repeat it. As time has gone on, we started in 1936-37 with the development of the range survey program. Bud Mulohan was the man that Ferry Carpenter assigned to get the program under way. During the C.C.C. program we had large numbers of range examiners who were employed with CCC money for conducting range survey work. The allotments were made in New Mexico and Arizona. The grazing capacities were made by those groups on those surveys. They weren't perfect. I don't mean to infer that. They were good enough so checks made by Bob Nielson some years later showed them to be very, very close.

In the two units in the Worland district, I believe, Cy, that the advisory board recommended the application, the imposition of the reductions that were proposed; is that correct?

MR. JENSEN: The advisory board sustained the reduction recommended under the survey.

MR. KERR: In the district in Oregon the advisory board refused to go along with the Bureau. In the Vale district, Lee, I don't recall what the action of the board was on the Cow Creek.

MR. NADEAU: The board originally sustained the original survey, the '53 survey, and when it was resurveyed again, then they didn't sustain it. It was about a 10-per-cent difference between the outcome and the survey.

MR. KERR: In the unit over in the Salmon district, I believe the advisory board sustained the district range manager on that adjustment.

MR. SEELEY: That is right.

MR. STRINGHAM: If you are through with your examples, I want to give you an example.

MR. KERR: We do rely on the advisory boards. We still do.

MR. STRINGHAM: I wanted to give you an example two weeks old, the Judge's experience in our area, if we may use it again. It is up to the district grazier as to how the problem is solved. We had the same problem that Judge Hughes had, where they wanted to reduce 56 per cent in the Brown's Park area. We discussed the thing for several hours in the advisory board, and came to a reduction of 30 per cent, to see how it worked. Everybody was agreeable and the reduction was taken. So the advisory board does have some say.

MR. McKNIGHT: What is the status of the Beaver reduction?

MR. KERR: I don't know.

MR. McKNIGHT: Apparently it has stopped our adjudication for over a year. They appealed the decision. It was a case where the board did not uphold the government on the reduction. It seems like we haven't had any adjudication in there while that is pending.

MR. KERR: I don't know anything about that one.

MR. HUGHES: Jerry, I want to make this statement. Your advisory boards, let's say 90 per cent of them (no group of men is perfect), are vitally interested in the Bureau of Land Management, vitally interested in keeping the surface conditions of the public domain in as good a state as practical, and in improving them.

MR. KERR: I am satisfied as to that.

MR. HUGHES: I think management in the Paradox case refusing a provision without giving consideration to the fact that overgrazing is a matter of opinion and a variable to a large extent and, in my humble opinion, we have a good advisory board, all good range men except myself. I have been in the office too much. We worked out a fair compromise, which would save that range if it was being overgrazed, in the long run, and I make the sincere suggestion that, wherever practicable, advisory boards with range managers work out (and he wanted to go along and work it out) a compromise agreement, that you should take those factors into consideration and, if humanly possible, go along with your advisory board.

MR. KERR: Oftentimes, Dan, those decisions can be made in the district and they stand up. When a decision of that kind is referred to this office, we only have one thing to go by, and that is the rule, and that is what we went by.

MR. LEE: Jerry, I think you misunderstood me a little while ago. There are five of us still here who helped work this law out and worked on it for two years before we wrote it very strong. We had had a lot of experience with the Forest Service and how they had adjudicated things and what they have done, and how they had done it. If you remember, the only thing we knew when the law was passed was they would get a lot of people from the Forest Service into this Department to administer it. What we were building up and what the base fundamental of this law was was that the land belonged to the government. They had complete control of it and should have complete control of it, and they would have experts who were more trained on the technical side of vegetation and carrying capacity than the other and to balance that, we set up the boards, legally, so that they would be able to balance off just the kind of problems that Judge Hughes is talking about and just the kind that the Mayor settled in his district without having to come back and do it by the rule book.

The Forest Service has put me under their thumb. Thank goodness to them, because I have a forest permit of 33 sheep on the forest, and they gave me a book just about that big, black-covered book, and the rules are all in it, and then every week they send me the changes in the rules, the supplements. I get about 15 supplements to the rules every month.

Now, what we were trying to do when we set up this Taylor Grazing Act was trying to balance with government ownership the practical side with the theoretical side, and it has worked up to date and whenever you start to go out and get the rule book and read it or change a rule to meet each situation, then it is all right.

MR. KERR: That is when you get into trouble.

MR. LEE: You know well in the district I am where you use three languages, you couldn't possibly make a rule book work. By the time you translate it into one of the three languages, it would have a different meaning. You have to go on the practical way of balancing it and that is what the fundamental was we were trying to do.

It has worked there in getting down to a practical purpose. The law was never supposed to be, Congress never meant that so one individual could go out and determine exactly what a change would need, 50 per cent or 10 per cent or 20 per cent, that there had to be some adjustment there. Years are different, weather conditions are different, management conditions are different. Down there where we fence and turn our sheep loose and don't herd them, we found it made a terrible difference in our range. Those things we fellows knew. That is why we believe in the Board system where we can come up here and talk frankly and tell you to go to hell if we feel like.

MR. KERR: Yes, sir.

MR. GRIEVE: Mr. Chairman, you mentioned the two districts in Wyoming that are in litigation now or in appeal status. Their objection there is that this same number of stock has been run there for the last twenty-five years, and I agree with Dr. Vass of the University of Wyoming. It is economically impossible to overgraze an area after that length of time.

MR. KERR: There are some peculiar things that happen on the range. This range in the Willow Creek Valley district that was mentioned a little while ago, that area has a history that is very, very interesting, and the uses that have been made in there, how much use is made each year by the number of livestock that go on there, it would make interesting reading.

MR. WILLIAMS: I represent that area, the Citadel area, and it is a good deal like the area he said. The same amount of stock has been run there for twenty-five years. But we realize that it needs some regulating, but a lot of people get hurt who have been going right along and trying to do the best they can where they are recommending a certain percentage of cut over the whole area, there will be a lot that will be hurt that are not entitled to get hurt. That is why the Forest Service is concerned about it. They didn't think they have enough to say. In fact, they haven't had anything to say. That is why we are up in the air in the local deal. We haven't a thing to say about it and still we get all the blame on this deal.

MR. GERBER: When you say a problem is settled by the rule, you still mean that rule was established by the technicians in the field, and their opinion is just as good. So there is a difference of opinion.

MR. KERR: The rule I referred to is the section of the Code.

MR. GERBER: Which says if it is overgrazed, which has been determined by an opinion. That is your opinion, that it has been overgrazed.

MR. KERR: That is not my opinion.

MR. GERBER: That is the opinion of your technicians.

MR. KERR: That has been determined down in the field.

MR. GERBER: You say it has been determined in the field, but it has been determined by the opinion. Maybe their opinion is not the same as a lot of other opinions.

MR. KERR: I judge from what Dan says that you are right.

MR. GERBER: I agree 100 per cent.

MR. KERR: This provision says that no license or permit will confer grazing privileges in excess of the grazing capacity of the federal range to be used. Dan had recommended that we make a 25-per-cent reduction. The reduction that had been shown by the survey to be needed was 56 per cent.

MR. GERBER: That point I am getting at may be in some cases it hasn't been shown, it has been determined by your men, which is not in agreement with the determination of our board, for instance. This is still a difference of opinion. You are taking it as a fact. It is a determination of your men that it is overgrazed. Maybe it is a determination of the board members that it is not overgrazed. I don't think you are basing it on facts. You are basing it on your determination.

MR. KERR: We are basing it on the facts as they are presented to us here. I am not familiar with that Paradox unit. I haven't been in there since -- it has been a long time. It looked sort of sorry then.

MR. HUGHES: Jerry, don't get the wrong impression. A lot of the boys are still going to do their duty even if they did flare up. Let me impress upon you one of the oldest theories is that good lawyers accept a poor settlement beter than a good law suit, any jump in the road.

MR. STRINGHAM: Mr. Chairman, I move we recess for five minutes.

MR. BROWNFIELD: You may have five minutes.

[There was a short recess.]

MR. BROWNFIELD: Please come to order.

We will now hear from Mr. Noble on range studies.

MR. LEE: Mr. Chairman, some of us were talking during the recess. We are ahead of schedule by quite a bit, and we usually kind of work late, and some of us were thinking that after this paper by Noble is presented, and maybe even another one, if necessary, then we adjourn until tomorrow morning at ten o'clock instead of early, like we do, so that would give all these men here a chance to go up on the Hill and talk with their Congressmen and their Senators, because the way it worked before, we usually don't meet them until Thursday, the last day, and then some of them come to the dinner, and some of their help too, and if these men of the board would go up on the Hill tomorrow and meet their Congressmen and Senators and kind of discuss a little our problems with them. Then, by the time they come here Thursday, they will be pretty well briefed by the time we have the banquet Thursday evening.

MR. BROWNFIELD: I think we can work off two more speakers this evening.

MR. STRINGHAM: Give us to eleven.

MR. LEE: That would be all right, and then we can get down here. I think we can do more good by getting a little earlier up on the Hill than we do in the past.

MR. BROWNFIELD: Some of them never come later than nine to the office. Do you want to make it eleven? Let's hold that decision until we work off two or three speakers this evening.

MR. LEE: We could still keep up with our schedule if we got here at eleven.

MR. BROWNFIELD: I think we could. I hope we can finish with our executive session meeting Thursday evening. The only reservation I could get was for Friday morning. But you can do without me.

Let's leave it status quo until we finish here in a little while. The rest of us will think over the idea.

Mr. Noble, are you handy to discuss range studies?

MR. NOBLE: Yes, sir, Mr. Brownfield.

I am not sure just how I should approach this subject of range studies. But I guess we better review, to some degree, or methods in evaluating the range and some of our objectives, to begin with, and then take a look at what we might be able to do about them.

As has been mentioned here repeatedly, our range evaluations, especially the carrying capacity determinations, have been a matter of considerable controversy. These evaluations are usually due, of course, to the results of surveys we have run. These objections are greater where the indicated reductions in these range surveys are the greatest.

As was previously pointed out, there are only some six or seven units right now that are under controversy, but there are many more that are being worked on. So the cases you hear of are the exceptions. These 60 and 80 per cent reductions we have heard about are relatively few compared to the smaller adjustments shown for most of our units and allotments. You don't hear much about those. They never make the newspapers.

We suspect that a lot of the objection to the results of our methods and to the methods themselves is due to a lack of understanding of just what we study and how we do it. So maybe it would help to mention our methods briefly and some of the characteristics and factors considered and evaluated.

We recently had a meeting in Salt Lake City, which I think all of you know about, with the National Wool Growers Executive Committee. The American Cattlemen had some representatives there as did the Universities. The objective of that meeting was to uncover the inadequacies in surveys and other study methods and techniques of the Bureau of Land Management and the Forest Service.

I am not sure what the conclusions were, but it wasn't proven by any means that everything done by these agencies was entirely in error. In fact, it was quite suprising to many people there that so many things are considered. The types of studies that we undertake were gone into with some detail and we considered the rating elements that are evaluated.

The objective of the BLM in establishing stocking rates on its ranges is, of course, to gain or acquire the maximum reliable forage production from those ranges on a year-to-year basis. Whatever will produce that is exactly what we are seeking. It is the thing that these methods are aimed at determining. If we are wrong and we can correct ourselves in any way, we want to do it. But the studies that have been completed to date over a number of years by many people indicate that this maximum reliable production can be acquired only by maintaining those forage plants which are the best for a given area those which have fairly good abundance and are relatively palatable to livestock.

There are some differences of opinion as to just which plants should be considered key species, and this we are constantly trying to determine. From our surveys and studies we expect to gain a number of things. First of all, we want them to point out what the potentials of the range are as far as forage production is concerned, and also what the potentials are for improvement work, what kind of treatments we can put on the range to enhance this productivity. If we establish a proper stocking rate for a range that is in good condition, that stocking rate over a period of years should maintain that condition. If it is for a deteriorated range, then we expect that stocking rate to result in an improvement of that condition at a reasonable rate. That is our objective. That is what we try to have these studies indicate. We can only prove them out over a long period of time, but we have had a lot of experience, both administratively in the BLM and through research agencies which have done quite a lot of study work over a number of years which indicates just how the range fairs under different stocking rates or intensities of grazing, and how long it may take to improve different types of ranges. This experience presents guides for our management.

Our range surveys provide a number of other things including a management map that is needed in our planning for proper management of these ranges. Besides grazing capacity, of course, we observe and record information on range condition, the nature of the soil, amount of erosion, poisonous plants, wildlife, rodents, and any of a number of other things. If there is any timber on the area, we take note of that. We gain a vegetation type map and also a feature map on which we locate all the essential management and cultural features that are needed in preparing management plans. These we consider to be quite essential. In fact, that is some of the most helpful information for the range manager that is acquired from a survey.

The Bureau uses three different range survey methods at the present time. The one that is most extensively used is the ocular reconnaissance method. I will discuss the essential features of this method, and I will tell you why. We have been accused of not trying to enlighten the stockmen concerning what we are doing, about the specific techniques we use and the methods we go through in deriving range values. I am sure that all of you have heard about these methods before, about some of their essential features, but the more you hear of them, the more you understand them, and only through understanding is there any possibility of coming to any agreement concerning their validity, their accuracies, their possible use in reflecting proper values for the range.

Some survey methods have been used for a number of years. The ocular reconnaissance method has been. By that method we type map the vegetation and prepare a general feature map of the range. The vegetative types are the sampling units which are studied for which we record our evaluation data. On each of these the density of the vegetation (that is, the ground cover) is determined and recorded. A vegetation composition or the percentage of each species present in the vegetation stand is determined and recorded. This composition times a proper use factor, as we call it, for each of the various forage plants, gives us a figure which, when totaled for all the species, presents the average proper use factor for the vegetative type. In other words, that is the percentage to which all the vegetation in the type can be utilized to acquire proper use of the range. This particular factor times the density of the vegetation, or the ground cover, presents a forage acre factor. That might be defined as the proportion of one acre of range that is completely covered by usable forage. This factor times the surface acres gives what we call forage acres. These are forage units that must be qualified before we can get carrying capacity from the survey.

We determine the forage acre requirement, or the number or the proportion of a forage acre, that is required to take care of a cow for a month by applying this requirement to the number of forage acres we have on an area. This forage acre requirement is derived through actual use studies. Some part of the survey area that we consider to be properly used and on which we know the actual use is used to derive this requirement. From our survey we have the number of forage acres, and, if we know the amount of use it takes to give the range proper use, we can compute a requirement. This requirement for the ocular reconnaissance method usually falls somewhere between 0.6 and 0.8 of a forage acre per cow-month. That briefly is the technique involved. There are two essential estimates made, one of density, one of plant composition.

Another method we use is called the weight plot estimate method. This is used in the Northwest. Idaho, Oregon and California use this particular method. It is quite similar to the other one. The one essential difference is the fact that weight is determined rather than density of vegetation. This is a plot method. At least ten plots per section, and usually several times that, are placed within vegetation types which are mapped, as they were in the previous method, to sample the range.

On these plots, the weight of each species in grams is estimated or clipped and weighed. Every fifth plot is clipped and weighed and the four in between are estimated. This provides a check on the estimates. The composition of the vegetation, of course, is derived directly when the amount of each species is determined. These weights are multiplied by proper use factors, the same as density was in the other method, to derive the amount of forage that is usable when the range is properly used. The green weights are estimated, therefore a conversion factor has to be derived to convert the estimates to dry weight. This is done by clipping representative samples of the vegetation, drying them for a couple of weeks or so and weighing them to determine the moisture content. That conversion factor is applied to the green weights. When we get the weight of each species that may be properly used, these are totaled to give the total amount of usable forage in grams.

A particular size of plot is used, either 96 square feet or 9.6 square feet. The reason is that the number of grams on a 96 square foot plot is the equivalent of the number of pounds per acre of forage on the range. It is directly convertible. With this method we must also use a forage requirement.

The number of pounds that are required to take care of a cow for a month has been determined. This tends to be a constant and is usually around 800 pounds per AUM.

That covers the essential differences between the two methods of survey. In each of those methods a utilization deduction, as we call it, must be determined. As you all know, no range is uniformly used by livestock. Certain spots are heavily used while others are not used at all, on almost any range you may observe. There are a number of reasons why. Some of these are the roughness of the terrain, the steepness of it, any timber that may be on the area which is down, distances from water (which is a heavily contributing factor), and other reasons.

Because of these things, we make a utilization deduction to indicate the amount of the range that cannot be used because of them. We might mention also that these obstructions may be removed, some of them at least, through range development and improvement. If you develop waters, you get better distribution on the range and cut down on the needed utilization deduction. We can make trails and fence. We can do any of a number of things to better livestock distribution on an area. The more of this done, of course, the less livestock use adjustments must be to properly stock a range.

We have one more method that is used only in part of the Missouri Basin in connection with the basin studies. That is called an ecological site classification method. This is essentially the one used by the Soil Conservation Service. I am sure some of you are acquainted, to some degree, with it. Dr. Dykstenhuis has worked with our personnel in perfecting this method.

Under this method, range sites are mapped rather than vegetative types. However, for every map that I have checked these range sites turn out to be either vegetative types or subtypes. So there is a close correlation between the two. However, under the definition of a range site, it is distinguishable from a vegetative type. Our vegetative types can be in any stage of ecological succession from a denuded condition up to what we call a climax condition. A site is an area that will support a given climax vegetation. When it has deteriorated one part may theoretically have different species on it than another part.

This site method is very complex when it comes to using it for determining grazing capacity, because of this reason -- there must be guides prepared to indicate the capacity of every condition class (and there are five condition classes for each site) within each precipitation belt of each site. There is only one way of doing this, and that is to acquire actual use tests of some kind on comparable ranges for each condition.

Therefore I feel that right now, as far as evaluating range sites for grazing capacities is concerned, there has been no more than a good start made. There will have to be a lot of actual use studies completed before each of those conditions can be properly evaluated. So we do have some limitations although the use of the method is proceding. Reevaluations are being made from time to time as we acquire additional data.

The grazing capacities that we acquire from a range survey are definitely not presented as being precise measurements, which will be correct for a long time period. There are too many variables working on the annual production of the range to make that a possibility. These determinations are made at the time the survey is performed, and are meant to apply at that time, not necessarily just that year, but perhaps for a period of a few years. They represent the condition of the vegetation at the time and evaluate it for that particular condition.

There are many things that have a bearing on the annual production of range, as you well know. Weather is a very potent factor. Precipitation is undoubtedly the most important. Therefore, in connection with our weight surveys, which are used in the Northwest, there has been a technique worked out for preparing precipitation conversion factors that can be applied to our range survey data to put them more on a normal basis. In preparing these factors the normality of the precipitation at a particular place is compared with the forage production acquired over a period of years. From this a relationship can be established. When the precipitation is a certain percentage over or under normal, that will reflect a particular percentage over or under normal for the range production. Temperature can also be a very potent factor. In years when it is extremely abnormal it should be considered, of course, in our range survey determinations. There are a number of other things that may determine the annual variations in range production. Some of those are the intensity of livestock use, game use that is made on the range, rodent populations, insect infestations and any of a number of other use factors that may come into play on the range. All these should be considered when they appear to be important and significant.

In most years, a majority of these factors are not sufficiently abnormal to vary the determined grazing capacity very much. In some years, under certain circumstances, they are important. We anticipate studying and evaluating them whenever we can. We perhaps haven't been able to do enough along this line in the past, although we certainly hope to in the future.

There has been a tendency to use the density method of range survey in the Southern part of the range country where we have a more sparse vegetation and where we have a much greater annual variation in production. The weight method tends to be used in the Northern part where that annual fluctuation is less and we have a greater density of vegetation on an average. This seems reasonable, because density does not fluctuate as much with a change in volume production of vegetation as does weight. Weight, of course, will vary almost in direct proportion to volume. Density gives more of a normal figure.

This matter of training our personnel has been given a very prominent play in past discussions. It has been mentioned here today that we use college students, even before they are graduated, on some of our range survey parties. That is a matter that is considered very carefully. These fellows do, however, come out of college with some of the fundamental information that is needed for evaluating range vegetation; and they are put through a very carefully planned training period. The first two weeks of the range survey is usually devoted to training the crew members, and then periodically, throughout the duration of the survey, crew members are gotten together and trained in estimating.

The objective is to get those estimates as nearly uniform as possible, so all individuals will estimate the same for a given vegetative stand. This is most important, we recognize that. But we do think that this training does bring these fellows to a sufficient degree of uniformity that their estimates are reliable and can be used in reflecting the capacity of the range, both actual capacities and relative capacities for allotting purposes as well.

Because we have so many variables working on annual production of ranges each year, we must consider our ranges more than just once. We make range surveys to evaluate the range for the production that is there and the condition of the vegetation at the present time. But that condition is going to change for many ranges; and, for a good share of them, we hope it changes. That is our objective. We want them to get better. To re-evaluate the range, we use condition and trend studies and utilization surveys. We have two methods of condition and trend study. The standard method is a two-phase method developed by Mike Denning. It has been in use for about six years. Under this method we have a forage evaluation and a soil evaluation. Under each of those there are four elements or factors considered. The first element for the forage phase is quality. This covers the type of forage plants that is on the range, compared with what should be there and what can be there.

Quantity is the next thing determined, or the amount of desirable forage that is present on the range. Vigor and reproduction are the last two. They reflect the health of the range. Of course, if we have abundant reproduction of desirable forage species, that means that the range has undoubtedly been in a deteriorated condition of some kind. If we had an optimum forage stand, we wouldn't have very much reproduction of the desirable forage plants. They would already be abundant, and there wouldn't be room for much reproduction.

For the soil phase, the four elements evaluated are the protective cover that is presented to the soil by vegetative material, both dead and alive; the natural vulnerability of the soil or site as determined by the erosivity of the soil, the degree of slope and a number of other things that have to do with the susceptibility of range to deterioration upon abuse; the amount of water run-off that is evident; and the apparent stability of the soil. Some of these may be considered results of range condition rather than elements of that condition. Each of these eight elements is given a numerical rating from 0 to 25 which are summed to give an over all rating for the range. A guide has been prepared to place the range according to its numerical rating into five condition classes -- excellent, good, fair, poor and bad. Generally, our objective is to get the ranges into good or excellent condition. The majority of our ranges right now, according to reports, rate fair. We have quite a few poor ranges and quite a few good.

We have one other condition method that is used along with this two-phase method. This is the so-called three-step or loop-transect method, which was developed by Ken Parker of the Forest Service. It is a permanent transect method. Such a transect is located on representative portions of the range, and then, along a 100-foot tape, at one-foot intervals, loop readings are made. This loop is three-quarters of an inch in diameter. Whatever is hit by that loop is recorded. Every fifth year we go back and reread these transects in order to establish a trend of the vegetation over that period of time. I doubt that we have many rereadings on these transects to date. Most of them were not established as much as five years ago. This past summer we acquired some of the first rereadings on a very few areas with the two-phase method. So, within the next few years we should be getting some results on our condition and trend studies, which should indicate the trend of the range with respect to our objectives.

We have a utilization method, which was adopted by the Bureau back in 1937. It is called the primary forage plant method and was developed by Mike Denning also. This is a qualitative method. The ratings are made from descriptions of various utilization classes. Descriptions were prepared for nine classes, with proper being in the middle, and four up and four down from there. Utilization is determined primarily by the appearance of the vegetation as affected by use. The amount of hedging on shrubs, the extent to which grass has been utilized, the amount of erosion evident, the lack of protective cover for the soil, evidence of an erosion payment, and other such factors are employed. This method has been used to some degree since 1937, and we now have a policy of attempting to cover all parts of all ranges with it every fifth year, as well as the two-phase trend method.

Most of these methods, you will notice, are extensive in nature, both the survey, and the condition and trend and utilization methods. They were so planned because of the tremendous area we have to cover. There are other methods of evaluating the range, which are much more intense. But most of these border on to what we term research methods, and are not adaptable to our conditions. We do not have the people necessary to cover the 145 million acres of range in the 59 grazing districts with a very intensive study. Anything we adopt must be suitable for covering such an acreage. That is one of the limitations we have in any re-evaluation or redesigning of our technical methods.

The three-step method we adopted from the Forest Service is the most detailed method we use; and, as a result, it is used on only a few areas scattered over the range. It is used primarily to supplement the two-phase condition and trend study method. It is the only method under which we have definite procedures for acquiring photographs of the range. We take repeat photographs of the transect area which can be compared. We think it is very important to acquire such an actual record over a period of time showing changes that take place on the range. These may be more readily accepted than other kinds of information.

There is one other important thing affecting the use of condition or utilization studies. The information that we derive from them will have rather limited applicability unless we have an actual use record for the range on which they are taken. This we do not have for most ranges. We are now getting rereadings from condition and trend studies which will reflect changes in the range; but just what use caused these changes we are not sure, except within a certain degree. We have a record of licensed use, but this may be quite different from actual use. So we plan to start collecting more complete actual use information. If the stockmen want to be really helpful in evaluating the range, there is no other way in which they could be more helpful to the BLM than by supplying the district manager with the amount of actual use they put on their allotments. I know that this has been talked about before, and some districts have attempted to get reports from the operators. Some districts have been successful to some degree. I don't think we have ever gotten more than about a 50 per cent return on any questionnaire that has been sent out so far. But it would be a very helpful thing, and we would have the best information available, if the operators themselves would cooperate with the Bureau to the extent of supplying such information.

I don't see why they shouldn't. It would be all to their advantage if they want true and realistic evaluations of the range. We must have some determination of actual use. We can get it to some extent by studying the licensed use, the non-use granted and what we might suspect is ungranted, and any trespass determinations that we can make. For most areas this is the best actual use data we can get so far. And such a determination, in itself, may be fairly reliable information for most use areas. We probably wouldn't be more than 5 per cent in error for most of our allotments if use were to be determined on the basis of information district managers can acquire right now. However, further refinement is desirable.

The Director mentioned this morning that I have been engaged in a study to re-evaluate or reappraise our study methods, particularly for range surveys, during about the last four months. I have made a number of visits in the Western States primarily, but also here in Washington, with other agencies, mostly land managing and research agencies, to determine just what is available by way of methodology for evaluating ranges.

I have met with Forest Service personnel, both administrative and research, with SCS personnel, with Bureau of Indian Affairs personnel, at a number of universities with members of the staffs of the state experiment stations, with state game departments, and with some private range consultants. My objective is to meet with anybody that has an understanding of these methods and has had some experience using them or perfecting them to any degree. We would like to get a good, thorough coverage of this field and see if there is any way that we can improve our methods. It will probably be a few more months before I get the rest of the visits concluded. So far, these have been largely in the northern part of the Western states. I haven't been down in New Mexico or Arizona yet, nor in Nevada. I plan to visit these areas and acquire the impressions of range personnel working there.

I previously mentioned the meeting with the National Wool Growers last Tuesday in Salt Lake City. The purpose of that meeting was to probe the methods used by the Forest Service and BLM, to see if they were at all uniform or if the results obtained from them were consistent. After a full day's consultation and discussion with agency representatives and members of the staffs from universities of five states, the final conclusion made by Mr. Josendahl of the wool growers was that there isn't too much difference between methods used by the Forest Service and BLM. There is some difference in the specific methods used, but the factors evaluated are the same and apparently the evaluations produce similar results. Every one at the meeting seemed to be quite unanimous in the opinion that we need more research into the use of the range by livestock just what intensity of use it can be given and still put it in a desirable condition.

We also had some animal husband men at the meeting along with stockmen who were representing the two associations. They all seemed to believe that more consideration should be given to finding answers to some of the problems presented. We have plenty of problems and, undoubtedly, we will change our methodology to some extent as time goes on.

Range management is like any other field of endeavor or any other science. Range evaluations are not perfect and never will be. They will be subject to continuous change as advancements are made.

The Soil Conservation Service was represented at the meeting in Salt Lake City. It seemed that the primary reason for having them there was to explain how they work with stockmen directly in evaluating ranges. They use the site condition method along with some utilization method; and they make production studies as well.

SCS technicians go out with the stockmen on the range and demonstrate their techniques and methods. They actually train him in using them, to the extent they can, in evaluating his own range. They establish range trends and, where needed, they try to convince the operators to make adjustments to acquire trends in the right direction at a proper rate.

The two land managing agencies were critized to some extent for not working more closely with the stockmen in this way. As you know, the Director's policy is for us to cooperate as closely as we can with the stockmen. Every time we start a range survey we are to give due notice of it not only to the stockmen involved, but also to the general citizenry of the locality, including the Congressional delegations. All of them are invited to participate, especially in the initial phases, and to the extent they desire thereafter.

It would probably be desirable to have every permittee participate throughout the range survey on his allotment and become as well trained in the techniques and methods as possible. This seems to be the objective of the SCS, and it is posed as a desirable procedure. In any event, the Bureau wants to cooperate with the stockmen as fully as possible, and further with all parties who have an interest in the use of these ranges. We will have to work with the game departments of the states. They own the game. Such cooperation will be necessary if we are to have the ranges properly managed. The stockmen should be interested in getting together with game interests also, if they are ever going to establish some agreement on the equity of use between livestock and game that will be placed on the ranges in the future. It seems that this need is largely being disregarded right now, except by the managing agencies. We are very much concerned with it.

I believe, gentlemen, that covers my presentation of this subject. As far as the reappraisal of BLM methods is concerned, it will continue on for some time. Right now I can't make any definite conclusions on what changes might be advantageous or proper. We are going to continue to study the methods used, analyze them, and see what might be adaptable. I have mentioned a number of things here today in regard to which we might be able to refine our methods and perhaps improve some of them.

MR. O'CONNELL: I think that you are missing one thing in your evaluation of grazing, and that is the condition of the livestock that come off these ranges. I think all stockmen will agree with me that, where you can put 300 pounds on a yearling steer, where you make a lamb weight 75 or 80 pounds in 120 days, you have good ranges. And in looking at game, it is the condition of that deer or that elk that is on the range that you have to judge.

There is all the difference in the world in the strength of grass or the strength of the range. I know there are counties in North Dakota where the grass will grow from 9 to 12 inches high and as thick as hair on a dog. It looks wonderful. But after the first frost, there is no strength to it. If it gets a heavy snowfall, it is mashed down. Unless you feed grain to your livestock, you can't even hold them in condition.

There are ranges where the grass is so scarce that in March it will still be standing straight up in snow. That grass will be good and strong, not nearly so much of it, but it is the condition of the livestock that you have to evaluate along with your density of vegetation and all your plants and everything else. Until you coordinate those two, you are not going to convince the livestockmen that you are using the right method.

MR. NOBLE: You are right that condition of the livestock is a most important factor to a stockman. We realize that very definitely. The ability of a range to produce a good grade of livestock year after year under all conditions is exactly what we are seeking. If we get the right weather conditions, the range vegetation will be in good shape. There are many years, even on the best of ranges, when you have to shorten your grazing season, do a little extra feeding, or something, to hold them over. Then in other years, especially down in the Southwest, you don't have enough livestock to feed off what may be produced when the growing conditions are right. These are variables that are hard to judge. I wish we could collect details on livestock production and consider that along with our condition and trend information. That would be the best type of data. But we are limited in getting even the amount of vegetation data we need.

We know the livestock can be kept in very good condition and give very good yields on ranges that are deteriorating. I think you will agree that that is the case. On very poor ranges, as far as condition is concerned, in some of these more lush years, you have an abundance of production. Your livestock come off in excellent shape, but the range is still in poor shape. If we had a series of years like that, your ranges would recover. Their productive potential, however, would be greater if that was the normal condition.

All we are trying to do, is peg these determinations to more or less normal conditions. We don't believe in trying to stock our ranges at any one rate for all time. We will have to re-evaluate from time to time and adjust. We hope these adjustments will be much less in the future. You consider some of them rather excessive now. Some of them are. A few operators are getting some pretty good cuts in actual livestock numbers that they are running, but they are the exceptions. I made some reductions of 65 per cent about four years ago, on a few units. I don't think I touched a hoof of livestock that was on the range. It was strictly a paper cut, due to a number of reasons, land disposition as well as excessive licenses which had never been filled. By the time the operators had taken their reduction of 65 per cent and then put all of their lands in on exchange-of-use, they still ran the number that were running before. There was some change in the numbers that different individuals ran, some came up and some went down, but about the same total number still used the range.

MR. HAY: I have a question. These various systems and methods you speak of, with the exception of maybe some refinements, they have all been used by Bureau personnel since 1934, haven't they, down through the years?

MR. NOBLE: Since about 1937, but not all of them.

MR. HAY: When the men in your agency went out and conducted a survey, they used the same methods you are speaking of, to a great degree.

MR. NOBLE: Yes.

MR. HAY: Actually, there is nothing new here. It is a matter of application, is it not? There have been a lot of men in this Bureau doing the same thing you are talking about for years.

MR. NOBLE: Yes. I was one of them back a number of years ago. I have used these methods with the Bureau since '41, and Cy Jensen since before that. But there have been some refinements, John. We are using aerial pictures now. We are more precisely evaluating our proper use factors and the other requirements. We have been working on them, and where errors appear, we adjust.

MR. HAY: But you are still using the basic fundamental.

MR. NOBLE: Yes.

MR. HAY: If that is true, Jerry says now this is all turned over to you. With your knowledge of the eleven Western states, how do you view the over-all picture of the public domain in the eleven Western states?

MR. NOBLE: My impression of its condition? Where it is headed?

MR. HAY: Yes. You said some is fair, some is good.

MR. NOBLE: Well, since 1936, surely conditions of the range have improved. I think there are two reasons for that. We have had improved weather conditions for one thing. And another thing is the livestock use has been less than it was prior to that time, to some degree. But the improvement has been pretty slow. We have gone 25 years now and we still don't have the average of our range up to any better than the middle of our fair condition, as we call it. That is at least one condition class below where we want all of our ranges eventually, if we can get them there. There has been some improvement, but the rate of improvement hasn't been exactly right and not in all cases has the range been improving.

We have had many areas that have been opened up through water development and other improvements that have gone the other way, as you know. A lot of areas weren't touched prior to about the time the Taylor Grazing Act was passed or shortly after, when they started an improvement program.

MR. HAY: If your improvement program had been sound, it would have disbursed the livestock and would have improved the range. How come it didn't.

MR. NOBLE: It did, to some degree. It helped some range areas; others it did not help. It made them more accessible and they were used that much more heavily. The general picture, as far as I am concerned, has improved. But it is not at the rate it should have been. In 25 years we should have been much farther along than we are toward a desirable condition on the average of our ranges.

MR. LEE: I would like to make this observation. You fellows, in evaluating a range, don't take one thing into consideration. In studying the condition of these ranges over the past 75 years, we find in the Southwest, in New Mexico, and it is happening now in Arizona, that, wherever a man went in with one class of livestock, whether it was cattle or sheep, in forty years he went broke. He didn't know what happened to his range. His range shifted from one type of range to another. I don't say all ranges are dual ranges.

Down in Texas, as those fellows finally learned on that plateau, that they had to keep so many head of sheep to keep certain kinds of grass, so many goats, and so many head of cattle, to balance those ranges. Those fellows had done very well up until the drought hit, in keeping their ranges balanced and in good shape.

In that area, like in New Mexico and Arizona, we have had eleven years out of the twenty-five years you are talking about below normal in moisture. We find in New Mexico where we are loaning money to ranchers that that same thing happens. In the early days, when the Conquistadors came into that country, they brought the sheep with them. The sheep numbers then had to go 'way down. The range shifted to a cattle range. The Bell Ranch and the other large cattle operators came in and changed from sheep to cattle. Now, after better than forty years, they are having trouble. Their range is shifting back now to a sheep range.

We have a rule-of-thumb down there in loaning money to ranches as to what their carrying capacity is, and that is very vital in loaning money to them. One animal unit per inch of rainfall per section of land. You will find that will work out pretty near 100 per cent in every case. We find in the livestock business, the simplest things you can get are by far the best. You then don't have those variables that throw you off. This rule-of-thumb will work in the Southwest very accurately. We could tell by the financial conditions of those ranches, because that is what tells the story.

We have never seen this in any of the studies. We have never seen in any of your studies, where you try to classify what kind of animal shall go on the range, or what kind of game. On my ranch I brought in a bunch of elk and turned them loose because we just thought maybe it was a good idea. The elk, instead of going up in the high mountains, went down on the lower range. They didn't follow their usual habits. The buffalo never went west of the Rio Grande. West of the Rio Grande you get antelope. I introduced on our ranch a lot of antelope. They did pretty well until the uranium miners got there and killed them off.

You will have to include in your studies something about the type of animal and conditions. We found on our ranges the horse hurt us more than anything else. We used to run about 200 or 300 horses. They worked the range worse than anything.

MR. NOBLE: The information we collect indicates the kind of grazing animals for which the range is best adapted. I agree with you that for most of the ranges where we have a fair variety of plants, dual use would be the most economical and the best use for grazing production. There is no doubt about that.

There are some reasons why we are allotting on an essentially pure basis, either one kind or the other. The main reason is that the livestock operators are not compatible. They want their own area, and they don't want to mix with anybody else. Most of our efforts with respect to kind of livestock has been exerted to stop some people from changing from what they have been running to something else, where it is not compatible with operating conditions in their area. Seldom have we classified a range for a particular kind of livestock and requested the operator to change to that kind. What do you think our chances would be in going ahead with such a program?

MR. LEE: I don't know. It would take a good deal of study. The Forest Service now has practically eliminated all your sheep. They have about six permits in the State of California on the forests. You have nothing there but a tremendous fire hazard, the same thing that has happened in most of their areas in New Mexico. I can't speak for other states, but they have allowed the brush to come up to where most of the springs now have gone dry, through the transpiration of moisture through the trees and brush. What they are doing is building up a tremendous amount of money necessary to fight those fire hazards. We had a forest fire in Northern New Mexico up in the Opatace country and burned it off. It really didn't hit the timber much, but it burned the brush. Springs were running there, but hadn't been running since the Forest Service went in. Our history shows they were there when the settlers came in.

I think this is foolish, and that those angles ought to be taken into consideration into your grazing management.

MR. NOBLE: We consider such matters very definitely. In California, that is one of our prominent improvements, burning off the brush and seeding. Many times we get springs arising that have been dry for years. The Forest Service is doing a certain amount of that work also. They recognize some of their problems that were probably disregarded in the past.

MR. LEE: After years and years of battling, when it should be done by grazing. It is simpler and cheaper.

MR. NOBLE: You brought up the matter of evaluation of range for game. That I didn't cover very much, but it is one thing we are going to definitely try to incorporate into our studies and evaluation of ranges for game as well as livestock and try to determine just what the ratio should be on a given range. I know it is going to be a difficult matter and will have to be done largely by agreement in the end.

MR. LEE: The deer on my range killed practically all of the mahogany. It is the best deer food there is. They destroyed it. I don't think that is good range management.

MR. NOBLE: It isn't, if it is a good feed.

MR. DOYLE: On the weight method, what weight factor do you use in your formula for computing animal unit requirements?

MR. NOBLE: In California and Oregon they are using 800 pounds of dry forage per animal unit month.

MR. LEE: How is that dried?

MR. NOBLE: Air dried.

MR. LEE: I ship my wool to Boston. When I sheer it, it is fairly dry. The wool gains about 3000 pounds when it travels from Sante Fe to Boston on normal years. If I sheer in a really dry year, that wool will gain pretty nearly 5000 pounds between there. There must be a terrible difference in the weight factor.

MR. NOBLE: That could be significant all right. This method is used primarily in the northern part of the range area. It is not used in your area.

MR. LEE: Down in our country, that would be a very variable factor.

MR. NOBLE: Yes. The final moisture content would be less than further north.

MR. LEE: It would gain if you had a shower in the air or you had a warm front move through. Moist air would change it.

MR. NOBLE: The usual practice is to clip samples of the different species and air dry them for two weeks or so depending upon the weather. If it is good dry weather, that is about the required period.

MR. DOYLE: What weight factor would have been used in the 30's and what weight factor would have been used in the 40's for comparative purposes?

MR. NOBLE: I don't know. There has been quite a bit of difference of opinion as to just what this weight factor should be. Our Area 1 made quite a study of it. We got opinions from various places and it varied mostly between 700 and 900 pounds. But there were some figures that were more extreme than that. The Soil Conservation Service would like to have us use about 1200 to 1300 pounds on some of our larger units.

MR. STRINGHAM: I have a question. What time is it?

MR. BROWNFIELD: About five minutes to five.

MR. STRINGHAM: I move we adjourn until eleven o'clock tomorrow morning.

MR. BROWNFIELD: Is there a second?

[The motion was duly seconded.]

MR. LEE: You did a good job anyhow. We will fight you some more.

MR. BROWNFIELD: Before I put the question, I want to say to Mr. Noble, while he is making his studies, I would get a few ranchers in each of the Western states to cooperate with you and set up rain gauges at least for one ranch in different places and let that ranch report to you in the fall what the average rainfall was from frost to frost (that is, during the rainy season or the growing season), and I will lay you a wager, because we have proven it now for years and years in the Southwestern part of New Mexico, that for every inch of rain per section, you can run that number of head of grown cows. I would like to know if it varies much after you have finished. If we get 10 inches of rainfall from the last frost in the spring until the first one in the fall, we go through the winter with 10 cows to the section. If we get 20 inches, we will run 20 cows. We come out in the spring with the cattle in good shape and a little grass left.

That may not work where you have 50 per cent of brush and only 50 per cent of grass. Our country is practically all grass. But it is working with us.

MR. NOBLE: Maybe it will be a little different up north.

MR. BROWNFIELD: There is another thing that has been instituted. Where you have a ranch big enough, you can have four areas fenced off of equal size and during the growing season save one of them, and during the following year, put all your animals in that pasture during growing season, and then rotate every year thereafter. You have three pastures during the growing season that are being rested. You are hitting one pasture hard, but you don't come back to that pasture for four years, or at least three years, and you force your animals to take all types of grass. You have eight or ten different ones maybe. Instead of just taking the cream plants, they have to eat the others as well. We found that is a good solution. Try to incorporate that.

MR. NOBLE: We have it in mind to use that rest rotation system on some demonstration allotments.

MR. BROWNFIELD: We stand adjourned until eleven o'clock tomorrow morning.

Please be promptly back in this room at eleven o'clock in the morning.

[Whereupon, at 5:00 o'clock p.m., the meeting adjourned to reconvene at 11:00 o'clock a.m., Wednesday, February 24, 1960.]

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

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TWENTIETH ANNUAL MEETING

NATIONAL ADVISORY BOARD COUNCIL

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Room 5160
Department of Interior Bldg.,
Washington, D. C.
Wednesday, February 24, 1960

The meeting reconvened at 11:00 o'clock, Mr. A. D. Brownfield, Chairman of the Council, presiding.

MR. BROWNFIELD: Let's get started, gentlemen.

"Adjudications, reductions and restorations and the long-range management objectives" report by Mr. Nielson.

MR. NIELSON: Yesterday we heard a lot of talk from some of the old-timers in the Bureau of Land Management about programs and problems, operations, particularly as relates to our responsibilities for the administration of the surface resources of the unreserved public domain lands. Today you are going to hear from some newcomers to the Bureau's range staff; that is, Bud Fallon, Bill Mathews, and myself have been here on the range staff since at least not longer than last June, so we are somewhat neophytes from this particular viewpoint.

I was glad that I had a brief opportunity to see how these Council meetings operate before I had to make my contribution, As I said, my topic here sounds quite controversial -- "adjudications, reductions, restorations and long-range objectives." The Director outlined the broad programs of the Bureau, and Jerry Kerr reported on general progress achieved and problems encountered in connection with our range programs. Our No. 1 job in range management continues to be that of the equitable apportionment of the available forage resources between competing applicants in accordance with the qualifications of owned or controlled commensurate fuse properties. This sounds like a simple task and, no doubt, many of you believe we should have accomplished it many years ago. However, considerable progress has been made as of the end of 1959, fiscal year. The status of issuance of term permits in the respective Western states is as follows.

This picture probably would have looked better several years ago because, since 1945 or along in there, we did have a greater number of operators under permit than we have now. But on the basis of our present adjudication procedure, the picture now is: in California, where we have 336 users, 106 are under permit or approximately 32 per cent.

In Oregon, where we have 1061 users, 256 are under term permits, or approximately 24 per cent.

In Arizona approximately 1000 users, 146 are under permit, or about 15 per cent.

Utah there are 2918 users, 406 are under permit, or about 14 per cent.

In Nevada approximately 1000 users, with 270 under permit, or about 27 per cent.

In Idaho there are 2458 users and only 79 are under permit, which is less than 5 per cent of the total. The picture is somewhat improved. I said "improved," because there are a greater number of permits in our area 3, in

New Mexico, where there are 4000 users, there are 2400 under permit, or about 60 per cent.

Colorado, there are about 1690 users and 950 are under permit, 56 per cent.

In Wyoming, 1274 users and 748, or 59 per cent, are under permit.

Montana, where we have 2400 users, 1261 are under permit, or approximately 52 per cent.

The over-all picture for the grazing districts where there are 18,185 users, 6635, or 36 per cent, are under term permits. That leaves us quite a long way to go, as the Director pointed out. We completed adjudications on approximately a third of our users. A third of them are in the process of adjudication, and we need to start on the other third.

I say we need to start. We have made some progress in the way of accomplishing range surveys, dependent property surveys, and so on, which are prerequisite to the adjudication.

I note in the report of last year's meeting that considerable discussion was had on the definition of the term "adjudication." And from this discussion has come a definition which has recently been published as proposed regulations in the Federal Range Code, and that definition, I think a copy of it has been made available, states that adjudication of grazing privileges is the determination of qualifications for grazing privileges of the base properties, land or water, offered in support of applications for grazing licenses or permits in range units or areas and the subsequent equitable apportionment among the applicants of the forage production within the proper grazing season and capacity of the particular unit or area of federal range and acceptance by the applicants of the grazing privileges based upon the apportionment or its substantiation in a decision by an examiner, the director or the Secretary upon appeal.

MR. LEE: Would you reread it, please, for me? I followed it. Then I missed it.

MR. NIELSON: I think, Floyd, you have a copy of it. It has been furnished to you this morning as one of these handouts. That is on the proposed rule-making under date of November 24, 1959. It was published in the FEDERAL REGISTER.

Yesterday Merv Noble elaborated in considerable detail as to the methods used and procedures followed in determining grazing capacity or the amount of grazing privileges available for apportionment between competing applicants. I believe we all recognize that these methods are not infallible and that the rate of stocking on the range depends to a large extent on the character of the weather, such as the amount and time of precipitation, temperatures, soil, topography, latitude, elevation, surface characteristics and many other factors. We must also recognize the influence of managerial ability of the range users. As your chairman pointed out yesterday, deferred and rotation grazing provides an effective tool for management. Time of grazing in relation to stage of plant growth is of primary importance. Manipulation of stock-water supplies, salting practices, class of stock run are other factors which enter into this element of management.

When we have completed the adjudication or apportionment of available privileges among competing applicants, we believe our first big job will have been accomplished. This, together with allocation of individual allotments, where appropriate, will provide for a sound base from which we can pursue these refinements of range management.

In the adjudication process provision must be made for balanced use between livestock and big game, as has been pointed out. Consideration must be given to the potential productivity of range lands as well as their current grazing capacities. This potential is many times reflected in range conditions as evaluated under our various range condition and trend studies. This you will, no doubt, say, interjects another element of guesswork or conjecture into the picture, but I believe that it is necessary that we have this determination made not only on the basis of what the carrying capacity of the range is at the present time, but what its potential might begin working out individual allotments, we must consider the possibilities for increasing grazing capacity if we are to minimize the need for future adjustments in allotment boundaries. In some states, the question of apportioning increased grazing capacity resulting from reseedings is now confronting us. It is the Bureau's policy that, where such increases occur, the additional available forage will be apportioned among competing applicants in accordance with the qualifications of their commensurate base properties. Those who have participated in the rehabilitation program and have taken reductions below the qualifications of their base properties to-meet the initial grazing capacity in the adjudication process will be first to receive increases in grazing privileges resulting from increased grazing capacities.

I note also in the last year's record that there was considerable discussion on proposed rule-making in connection with how we were going to handle the increase or the apportionment of the increase resulting from range rehabilitation. I personally believe it would be wrong to attempt to establish by further regulations as to who will participate in these increased grazing facilities, as you could probably never make enough rules to fit the many situations that would be encountered.

I believe that authority for action with discretion on the part of the district manager, with advice from the district advisory boards, and after consultation and cooperation with the range users and others concerned, is the best solution and approach to such problems. The job of adjusting stocking rates annually to fit range conditions in these desert ranges which we administer is, of course, going to be a continuing, perplexing problem. These annual adjustments must be recognized as a management responsibility to be assumed by both the permittee and the range manager. Allotment analyses correlated with past associated livestock use and condition, climatic factors, especially amount and time of precipitation, influences of wildlife, pests, rodents, and the response to application of managerial techniques, including the manipulation of stock water supplies, fencing, salting, deferred-rotation of grazing, and so forth, will provide the guidelines for long-range management programs once allotments are established.

Jerry Kerr pointed out yesterday that we are not getting our job done like we would like to. With our present staff and allotted funds, that is the situation. Although I haven't had recent opportunity to visit all states and district offices, the ones that I have visited recently and of which I am acquainted, have verified my belief that our responsibilities increase as our adjudication proceeds and as our development programs progress.

When adjudications are made and allowable use determined, particularly where reductions are involved, our responsibility for making sure that the following use is in conformance with the adjudication becomes more significant. If we impose reductions and don't follow up with supervision, our problems then become more acute. So it is with range development programs, if we increase forage production by reseeding or other practices and treatments, but do not follow up with proper range management, then our efforts are often in vain.

It is our tentative plan to complete our range adjudication in all districts within eight years, or by 1968. This seems to be a further deferment of this primary job, but again, whether this goal will be achieved will depend on whether our present staff can be maintained or increased.

Our long-range plans predict that through development and use of improved forage species, the application of improved management techniques and land treatment practices, such as possibly even range fertilization, together with manipulation of the limited water supplies, it is anticipated that by the year 2012, which is the target date for our long-range programs, the carrying capacity of the public lands we manage can at least be doubled. This may sound ambitious, but I believe developments in the sciences of range management will keep pace with the times and that much progress will be made within the next few decades. Certainly one of our most important jobs at the present time is that of selling good management to our users.

My observation is that progress is being made in this field. More and more cooperation is being obtained in our resource development program, and only through full cooperation of all concerned, can our objectives be achieved.

I am certainly convinced, as a result of my past experience in working with advisory boards both on the district and state level and now on the national level, that certainly we can expect a great contribution from these advisory boards toward the accomplishment of our long-range objectives.

In this week's issue of U.S. NEWS AND WORLD REPORT I noticed they came out with some more predictions on population trends, particularly in the West. They indicate that within the next ten years, or by 1970, the population in the principal Western range states will at least have increased by 25 per cent, which, naturally, means greater demands, greater pressures upon the public lands, as well as the resources thereon.

Whether we can maintain present numbers of livestock in view of these increasing uses of another nature depends entirely upon the public demand and the results that we may achieve through increasing the productivity of the ranges which we manage.

Mr. Chairman, that is all I have to say for now. If you have questions, I will be happy to answer them.

MR. BROWNFIELD: Are there any questions, gentlemen?

MR. HAY: I have one question. Do the figures show a decline in sheep numbers?

MR. NIELSON: The numbers I give are the number of users. They didn't reflect the number of livestock.

MR. HAY: Do your statistics reveal the decline in numbers? We have had a terrific change in our state in decline in sheep numbers, and I wondered if your figures show that.

MR. NIELSON: Yes, we have in our annual statistical report the numbers of stock under permit of the various classes and in the yellow book that you have will show just what the picture was as of June 30, 1959. Of course, to review the trends, you would have to refer to the past reports. I think, generally speaking, the numbers of sheep are definitely on the decline in all areas. I couldn't say as to how much.

MR. HAY: I wondered if you knew what the proportion was.

MR. NIELSON: I don't have that figure here at this time.

MR. GRIEVE: In your talk you speak about future adjustments of allotment boundaries. Are we to understand that this adjudication is not final and that it shall be readjudicated?

MR. NIELSON: I attempted to point out that we hoped the adjudication will take into consideration not only the present but also the potential grazing capacity which will accrue to the present users, provided they have sufficient base property to support the livestock during the time the federal range is not available.

MR. GRIEVE: That was what you meant by the future adjustments of allotment boundaries?

MR. NIELSON: The particular problem that we have now, and it is in Nevada, involves increased grazing capacities amounting to ten times what it was initially found on the range as a result of our reseeding and rehabilitation programs. Those ranges were probably used in common, but if they had been allotted into individual allotments and, say, the entire increased grazing capacity occurred in one man's allotment, which was more than was necessary to satisfy his preference under the Code, then we would have to apportion the excess to other qualified applicants.

MR. GRIEVE: Changing the boundary, then, would be due to increases in grazing capacity in that area.

MR. NIELSON: If a change in boundary was necessary, it would probably be due to the increased grazing capacity.

MR. LEE: I would like to compliment you on your stand as to how to make these adjustments, where you state you would have consultation with the range manager and the other permittees in the area, and through the district advisory board. I think you can accomplish through that method much better than just slapping some damn rule in some place.

I think you should be complimented on that, and I think you can work it out without any great trouble.

MR. NIELSON: As I tried to point out, that is my understanding of the policy, and I haven't seen any policy to the contrary.

MR. LEE: That is what we are trying to get done.

MR. STRINGHAM: Did you wish to create the impression that numbers would be adjusted from year to year depending upon the condition of the state? You so stated. What do you mean by that?

MR. NIELSON: I think, Bry, in types of desert ranges which we administer, particularly the very arid desert ranges of southern Arizona, Nevada, and California, where the amount of forage produced depends entirely upon your winter moisture there will be a need for annual adjustments. During good years, such as this year, you would have an abundance of feed, and I can appreciate the problem of trying to adjust annual stocking to those types of annual ranges is going to be a continuing problem.

When you get into the northern areas, where forage production doesn't have quite such wide fluctuations, that there will still be need for adjusting the stocking rate. Not in adjusting the term permit or the adjudication. It will be a need for maybe shortening the period of use or maybe for allowing non-use for a period of years to take care of a local situation. Or there might even be such a situation where a fire had occurred which maybe burned off some of the year's forage supply. There will still be the need for, I think, those annual adjustments which can be accomplished jointly through cooperation of the range manager and the operator.

MR. STRINGHAM: Thank you.

MR. BROWNFIELD: Thank you, Mr. Nielson. I think from now on the closer you can work with the advisory board members and the permittees, the faster you will obtain beneficial results in any kind of administration.

We will now hear from Mr. Letson on how he controls the fires.

MR. LETSON: The papers we have just handed out are copies of the '59 annual fire report. It includes a narrative statement of conditions in the fire program this year as well as a statistical breakdown of the fire data.

Since this program was not discussed at the meeting last year and there have been several changes in the fire program since our Council meeting in '58, which coincided with a fire control conference being held here in Washington, we thought it well to bring you up to date on fire prevention.

Following the '58 conference, we, in effect, revised the fire prevention and suppression program. Several changes were made within the framework of the organization and within the limitation of our funds which we feel have led to some definite accomplishments and advancements in the prevention of fire and in the control of wild fires. The revised fire control policy, issued by this office in March 1958, was directed to the attainment of two major goals. The first was to gain earlier control of fires, in doing so containing them within the least practicable acreage, within the least time required for suppression and the least damage to our resources. Secondly, to develop and utilize those techniques, systems or methods which would improve the efficiency of our control efforts.

One of the major features of the new directive was the fact that it clarified the conditions under which emergency use of fire suppression funds could be made. Prior to this, the effective suppression activities had been hampered somewhat because sufficient preparation for the fire season had not been made prior to the emergency. Therefore operations did not move along as fast as they should have, and some fires reached project size which we felt could have been controlled within a smaller acreage and smaller time limits.

With the clarification on use of funds, the districts were instructed to prepare fire operation plans providing for necessary preseason operations, and including in those plans a time table and a more definite breakdown and budgeting of their funds for carrying out those plans.

In cooperation with the Forest Service and the U. S. Weather Bureau, we have established a system of fire weather stations. At the close of this season we now have stations in all districts. Some districts have two or three. Some districts only have one, but they do have fire weather stations, which give them a closer report on fire weather. The stations provide the data for use with the fire danger rating system, which, in turn, informs personnel in advance of impending fire weather conditions with respect to high hazard areas and specific fire danger periods.

When the information is received at the district headquarters of such high danger periods and area, we initiate a strength of force plan. This plan permits implementing the fire organization with initial attack forces before fires actually start. This permits an earlier getaway time by the initial attack crew and by hitting the fire while it is somewhat smaller, it increases the chances of early control.

It has also permitted the organization of highly skilled suppression crews which reduces the need for employing as much of the pick-up labor we have formerly depended upon. With this system, regular personnel trained as overhead are free to carry out their district programs without interruption except in the case of larger project fires when they are called into service. And they are then held in reserve for expansion of the fire fighting forces.

I might say that in connection with this strength of force plan and the use of skilled suppression crews, the Southwest fire-fighter crews or the Indian crews have proved very efficient and quite effective. The strength of force plan is further implemented by managing auxiliary look-out towers and using light aircraft to improve upon our detection system.

Ordinarily we would have a skeleton system of look-out towers during the periods of less danger. Increasing this staff has resulted in earlier detection and reporting. The airplanes we use for aerial detection are equipped with radio and have proved very successful in tracking lightening storms as well as in saving time in actually locating the fire and reporting it to the dispatcher or the district headquarters.

In addition, the planes can relay information as to the type of terrain, the fuel types involved in the fire, the manpower and initial equipment needs. Perhaps one of the more important things is the most accessible route to the fire. We oftentimes lose early control of a fire merely because the crews are sent out without proper directions. They lose their road or find that a road which is supposedly passable is not so. The fire is increasing in size pretty fast and is practically beyond control by the time the crews arrive.

The smaller planes are also used extensively in connection with our chemical warfare on fires. It is only within the last two or three years that chemical retardants have come into play. We are presently using a mixture of sodium calcium borate and water. It is mixed into what we call a slurry and is dropped on the fire line by planes of various sizes. We have used planes ranging in payload size from 200 gallons up to 4000 gallons. The larger plane would lay a fire line of about one mile in length. Roughly, you can figure one gallon of borate per foot of fire line.

Small fires can be kept from increasing in size and larger fires can often be kept from entering into the second burning period uncontrolled. The most effective use has been in the support of ground crews where the borate cooled or controlled hot spots or knocked down the heads of your hot, fast-moving fires until the ground crews could get in and control them.

On large fires, borate has been of special value in fire line construction. This, of course, is providing that the ground crews are ready and immediately available to take advantage of the help that the borate has given them. This is especially true in rugged terrain where fire line construction is slow and difficult. In your higher country and rougher terrain we have to look to smaller planes. These larger planes, fully loaded, are not maneuverable enough to get within the 75-foot limit of the ground. If the borate is to be effective, the plane should be within 75 feet in elevation from the fire line.

Expansion of the communication system is proving to be one of the necessary steps in effective fire control; in those states where a high frequency radio system has been installed, we have greater gains in efficiency in fire control through the use of radio than perhaps any other innovation we have come upon. We presently have the basic radio installations in 47 of the 59 grazing districts. This does not mean that the communication system is complete in this many districts. In many cases it is only the base station. They will need repeater stations, both permanent and portable. They need mobile sets, as well as other equipment in order to make the base setup effective and give them complete coverage in the district.

As an indirect approach to reducing the incidence of fires there has been a stepped-up program in law enforcement work, public relations and the training of temporary employees in fire prevention work. By means of the training program, it has been possible to relieve permanent personnel of fire control duty other than as supervisory overhead on larger project size fires.

You will find some of these items that I am mentioning discussed in more detail in the narrative report which has been handed out. Additional research is being carried on with respect to fire behavior and ways in which it can be predicted far enough in advance to be of benefit to the fire dispatcher and the fire boss in charge of the special activities.

It is anticipated that through the development of charts and maps and graphs outlining such factors as fuel types, fuel volumes, rates of spread, accessibility by fire equipment and other factors, that the dispatcher will be able to determine quite definitely at the time a fire is reported and located, the kind and amount of equipment and manpower which would be necessary in the initial attack to assure complete control of the fire within the first burning period. It is quite important that fires be controlled during the first burning period or, in other words, prior to ten o'clock in the morning of the day following the start of the fire. In most of our high hazard areas, where fires go into a second burning period, we find that if we have had control, we will lose it. The fire will eventually become a project size fire.

If we can get control of the fire within the first burning period and hold it, we can quite often retain the fire to a relatively small acreage. If we are to do this, it will depend on accurate and precise fire danger rating and fire weather forecasting as well as an intimate knowledge of fire behavior and this, of course, will all have to be tied into a given set of conditions and at a given time of day. We are getting rather precise and scientific if we can control our operations that closely, but essentially that is what we will have to do.

A modified version of this system was practiced by one district this last season and had quite favorable results. They had one of the best fire reports which they have submitted for some time there.

Through the continued concerted efforts of all the districts in the application of these new techniques in organization and operation, the Bureau has improved its record in fire prevention and control. While the present fire season was characteristic in that very few districts had a normal fire season and the fact that lightening-caused fires were most numerous on record (and I say that advisedly, because my records go back only to 1946), the total number of fires was considerably lower. Man-caused fires were reduced from 820 in '58 down to 510 this year. In the Western states, exclusive of Alaska, the average size fire has been reduced from 480 acres in 1958 to 575 acres in 1959. We exclude Alaska because of special conditions which exist there; namely, distances which must be traveled, lack of detection facilities, poor communication facilities and, in many cases, inadequate manpower and equipment to do the job. For this reason we can hardly include Alaska in this kind of an analysis.

Considering the fact that some districts which normally have a very light fire load and are not staffed and equipped as well as the high-hazard districts, this year could be considered a bad fire season. In view of that, the reduction in acreage for fires was perhaps a greater improvement than would first appear. Much of our credit for the reduction in man-caused fires, we feel, is the result of the law enforcement program. This year a total of 42 enforcement cases were initiated as compared with 10 in 1958.

You will note in reading this report that we have made recognition of several achievements there in the past year's work. You will also note that there are many places where we feel there is considerable room for improvement. Much of the improvement and changes we have made, which appear to be accomplishments this year, are of too short duration to really be conclusive. This program has only been in operation now for two years. Whether or not our reduction in fires is due to the added strengths of our program and the reduced size of the fires is the result of earlier attack and better equipment still remains to be seen.

As I pointed out, lightening from year to year can vary the number of fires and if our lightening storms take a different path, hit districts which are not too well equipped to handle the situation, we can run up a terrific number of fires and a terrific burned acreage. On the other hand, if the fire season is quite normal and our lightening storms and our major incidents of man-caused fires are in districts prepared for the emergency, and they are on the job, we can have a fairly nice fire report at the end of the year.

You might be interested in the types of planes we have been using for borate dropping. For the more common ones, in the Western states, we use the Ford Tri Motor, which is carrying about 400 gallons, the plane referred to as the TBM, with 700 gallons capacity. We have also used the B-25 with about 1000 gallons capacity, and the larger plane is the C-96, Stratocruiser. I understand, however, that the Stratocruiser as yet has not carried the full 4000 gallon load. CAA limited them this last year to a smaller load until they could prove that it was safe to come that close to the ground.

That is all I have, Mr. Chairman.

MR. BROWNFIELD: Any questions, gentlemen?

MR. LEE: You are doing a good job on your fire protection everywhere I have seen. The Indians used to burn off a lot of this country and helped the range considerably. In my own private land I burn certain areas about every three years, and it helps the allotment. I notice New Mexico is the smallest fire problem that you have, and I imagine a lot of that is because our Indian people and our native people burn it off and never report it. I was wondering whether you ever followed up as to what the results of a fire are. The Indians used to burn it off and helped the game faster. They did pretty well and they were very good students of game. I am not talking about Northern Montana or those places. I don't know anything about them. Down in the lower Southwest we have found fires are very good things. I mean, of course, controlled. Most of our people think that the Lord put the lightening there just to do that thing, just to burn the grass, because it cleans up a lot of rubbish and stuff, a loss of grasshoppers, and all that sort of thing that get started. Have you ever followed it up to see what the results were two or three years after these fires?

MR. LETSON: Yes. There has been quite a bit of work done on that, Mr. Lee. I believe your range is primarily a shrub-type range, is it not?

MR. LEE: Yes. We try to keep our timber burns underneath the timber. That is on my private land.

MR. LETSON: The effect of fire on a range is one of ecology. As you burn, you are going to change your vegetation succession and sequence. It is quite common that through burning you will obtain more browse and more shrubs, but continued burning in many areas, if it is too frequent will take out all your browse and reduce your grass stand from one of perennial grasses to one of annual grasses and annual weeds. More frequent and continued burning will further reduce your stand to one of primarily weeds. You will begin to have invasion of poisonous plants, not necessarily as a direct result of the fire, but you have reduced your plant composition to one of annuals. Among the annuals there are certain ones that livestock and big game will graze and others which they won't. Also, of course, with repeated frequent burning, you are laying your ground open to wind and water erosion.

MR. LEE: I am not talking about repeated burning. I am talking about controlled burning, burning when there is moisture in the ground, when it won't kill the ground.

MR. LETSON: There has been considerable work done with controlled burning also. One of the greatest problems with controlled burning, however, is that it so often becomes uncontrolled before the project is finished. Controlled burning at the proper time of the year and with specific types of forage can be beneficial.

MR. BROWNFIELD: Did you say you use sodium calcium borate? What is the mixture per gallon of water?

MR. LETSON: One pound to three gallons of water.

MR. HUGHES: Have you had any experience in fires in what I think are designated as primitive areas? I am talking about areas where no cuttings of timber is permitted and very little grazing.

MR. LETSON: I don't think we have primitive areas within our own administrative areas, and I rather doubt that there is too good a history of any fires in the primitive areas, that is, of the ecological sequence that follows.

MR. HUGHES: Would fire hazards in primitive areas, where no timber cutting is allowed and very little grazing is allowed be materially worse?

MR. LETSON: Offhand, I would say that a primitive area would be less susceptible to fires for the simple reason that if you have a primitive area, it is perhaps remote and often unfrequented by man.

MR. HUGHES: What about your lightning fires?

MR. LETSON: Lightning fires may or may not be more numerous. If you are speaking of timbered country, lightning is quite apt to hit an old dead snag. If those snags are there and they are above the other trees, then, of course, they would act somewhat as lightning rods, perhaps attract lightning. But I don't believe there is any reason to believe that lightning would be more prevelant in a primitive area than it would be in a well-managed timber stand. I have nothing but my own personal opinion to base it on.

MR. HUGHES: Would you have any opinion on the question of whether that fire could or could not be controlled as easily or easier as in other areas?

MR. LETSON: With the use of the parachute smoke jumping techniques we now have, the remoteness of a primitive area doesn't seem to have too great an effect on fire control. We now maintain much of our fire detection with airplanes. The airplanes are equipped with radio, so they have immediate contact with their headquarters if a fire occurs. A plane can take off with a crew of smoke jumpers and drop them right into the area. Of course, getting large forces of men into a primitive area would be somewhat of a problem because you don't have the access routes available to bring them in by truck or other means. They perhaps would have to walk on forest service trails for greater distances or ride horseback and for that reason, if you were to have a project size fire in a primitive area, you would, of course, have problems of equipment, material and manpower to contend with that you wouldn't have in some of your national forests, where you have a good network of Forest Service roads.

MR. LEE: May I make a few suggestions to you. One is on your lightning fires. Eastman Kodak has put up about $50,000 a year for the last five or six years, studying lightning around the world. They finally gave the New Mexico School of Mines $100,000 to carry on the lightning studies and its actions. They found the most lightning in any place in the world comes up in the Hamus Indian Reservation above Albuquerque. There is more lightning there than any other spot in the world. They found out a lot about its behavior.

You ought to correspond and take up with them, and it might help you a lot in the lightning-caused fires.

I have another observation I would like to make. The last time I was in the grazing office in Albuquerque, I noticed your radio is sitting right out smack in the middle of that whole office, and the thing is going all the time. It sure cuts down the efficiency not only for your fire but for everything else in the field. It cuts down efficiency in your office. We on our ranch use radio-controlled equipment in all of our cars and trucks and our planes are equipped with radio, but we finally found that we had to put that in a separate place where somebody could listen to it and maybe do other kind of work that it doesn't bother, but if you get your control station out there, it knocks your efficiency 'way down.

MR. LETSON: If there is much air traffic on the radio, it should be in a separate radio room with somebody there who can take care of it and do other work that isn't interferring with it.

Many of our districts have moved their radios from the district clerk's office into a back room, or in fire districts, they place it now in the dispatcher's room or in a little more out-of-the-way place, so it doesn't interfere with office operations quite so much.

MR. BROWNFIELD: Thank you, Mr. Letson.

It is now twelve o'clock. We will recess for lunch. Be back by one, if you possibly can.

[Whereupon, at 12:00 o'clock noon, the meeting adjourned to reconvene at 1:00 o'clock p.m. of the same day.]

AFTERNOON SESSION

(The conference reconvened at 1:00 o'clock, p.m., Wednesday, February 24, 1960.)

MR. BROWNFIELD: Please come to order, gentlemen. We will have the next speaker, who is Mr. Fallon, on the "Techniques of Range Rehabilitation." He has got some slides to go along with his presentation.

MR. FALLON: Thank you Mr. Brownfield. It is surely a pleasure for me to be here and see so many old friends.

Seeing Fred Strasnider yesterday, particularly took me back a long time because the ranch in which I was born and raised near Yerington, Nevada, joins Fred's.

(Slide) "California Ranchers Manufacture Range Land", that is the title of the article now on the screen. It tells about California ranchers burning, spraying, and seeding over one and a half million acres of (slide) chemise, chaperal and other brush during the past fifteen years. The area on the left is part of this one and a half million acres.

Now, where do you think I read this article? Well, it was on the front page (slide) of the January 26th issue of the Wall Street Journal, the financial and investment news organ of the United States.

Why the Wall Street Journal? Because the article tells the story (slide) of a successful financial investment, the converting of practically waste brush land such as in the background into highly productive grass land shown in the foreground.

(Slide) According to the article, this former waste land is now producing over twenty pounds of beef annually per acre . . . that is investment news. One other thing that interested me in the article was the last sentence. It reads: "One spur to this range recovery program: California is losing over 100,000 acres of irrigated farm land to (slide) housing, industry, (slide) and highways every year."

Now, tie that in with population predictions - 179 million in 1960 compared with 151 million in 1950, and over 300 million in the year 2000. Under these conditions, manufacturing range land is not too bad an idea, and that is what I would like to visit with you about this afternoon and show some of the equipment and methods used in this manufacturing business.

(Slide) Now, I don't have to tell you that this Poncha Pass seeding near Salida, Colorado, looked like (slide) this before, because you have seen many examples like (slide) this Cucuamonga crested wheat seeding out of Burns, Oregon, and this (slide) Poison Creek seeding in Idaho.

(Slide) Isn't this Nevada seeding a beauty?

(Slide) Now, you wouldn't expect to find a cow like this on those seedings. No, she goes with range like this (slide) and this (slide) but not this (slide).

Three weeks ago at the American Society of Range Management meeting in Portland, Oregon, Larry Williams a rancher from John Day, Oregon, gave this example of his experience with manufacturing range land by seeding and spraying.

(Slide) He said in 1955 he was getting an 84% crop--calf crop--and taking four months to calve. In 1959, he had increased his calf crop 8% to 92% and only took two months to do it.

(Slide) The payola came with the extra amount of beef he had to sell, 15,000 more pounds from 179,000 pounds in 1955 to 194,000 in 1959. This year we are seeding approximately 160,000 acres, most of which (slide) is sagebrush land. Most of it, rather, is just sagebrush land such as you see here.

(Slide) Now, growing grass is like any other job; that is, in one respect. The method used must suit the individual site, and also the manufacturer. On rocky areas (slide) such as this Wild Horse Seeding site in Idaho, the plow is very effective. It was developed (slide) some fifteen years ago at the Arcadia Equipment Development Center through the Range Seeding Equipment Development Committee, of which this Bureau is a member, along with the Forest Service, the Indian Service, and other Federal & State agencies interested in conservation and development.

(Slide) The reason the plow can take rocks so well is that each disc is mounted on an individual arm, allowing the disc to independently raise over the rock. This keeps disc breakage to a minimum, and yet the plow does a (slide) very effective job, and usually only one plowing is required.

(Slide) The plows are custom made and, therefore, costly. On sites where rocks are not a problem, other plows such as (slide) the heavy duty Amco disc plow does an excellent job. The Amco is commercially available and not so costly, around $3400 compared to over $5,000 for the Brushland.

(Slide) The plow is new on the market, but it should have a good future for tests indicate that it will give results even better than the Brushland, particularly on those sites that are only moderately rocky.

(Slide) Wheatland plows have been used with good success also for a number of years. (Slide) How much does this plowing cost? Well, here are three examples of 1959 contracts. Burley, Idaho, 5,000 acres at $4.79 per acre. (Slide) Elko, Nevada, 10,000 acres at $4.25 per acre and Winnemucca, Nevada, 2,700 acres at $4.41 per acre.

The contractor in each of these cases furnished the plows, the drills, and tractors, and the Government furnished the seed. The Nevada contractors were required to go over the ground twice for the $4.00 plus price. Total cost including seed, and the seeding, would run approximately $6.25 to $6.75 per acre.

(Slide) Like plows, seeders have to be selected carefully for the particular job. (Slide) This range land drill was also developed at Arcadia for rough range seeding jobs. We have quite a number of these drills. (Slide) The seeder arms also operate independently, so that rocks won't damage them.

(Slide) Recently, the Oregon State College developed this seeder for use on (slide) seedbeds too soft for furrowing drills, such as the Rangeland, (slide). Individually suspended press wheels, which show up green in this slide make a firm track for the seed to drop in.

(Slide) The seed is then covered by chain drags. Why are the seed tubes behind rather than in front of the press wheels? Because research studies indicate the growing conditions for the seed on range land are far better when the seed is placed on a firm seedbed and covered with loose soil than when placed on a loose bed covered and then pressed down.

(Slide) Brush cutters have attained prominence during recent years. (Slide) The cutter does a good job (slide) of shredding--big brush--(slide) but the site must be carefully selected for best results.

(Slide) This site looks like it would be a good place to turn a brush cutter loose, but it isn't, because if you look closely (slide) you will find a lot of dwarf sage plants such as those near the small leather case in the left center of the picture.

(Slide) Now, you can see how they survive the brush cutters which passed over this spot the year before. At this particular spot, we counted fourteen sage plants in a square 6 feet x 6 feet. These aren't new sage plants. They are several years old, but due to competition for moisture and so forth they have been stunted.

What will this spot look like next year? I can't say for certain, but my guess is that the brush will look something like this (slide) spot about two miles away over which brush cutters passed (slide) two years before.

Should you have any question as to what brush cutters do to or for rabbit brush (slide) cutters passed over this spot a year ago. It makes you question whether brush cutting can compete on most sage sites with plowing or spraying, doesn't it?

(Slide) This brush was mangled by (slide) a Marsden brush cutter. The big blades both cut and mangle. (Slide) We have used the machine on a few trials, but I don't believe the cutter can compete with other methods of sage brush control, cost-wise or in efficiency of brush killed.

(Slide) The root plow now on the screen has received a lot of publicity the last three years for the work it has done on mesquite in Texas. In fact, it was written up in the Saturday Evening Post about a year ago, in a story about the Driscoll Ranch.

(Slide) The blade cuts the plants off just below the root crown and (slide) it is a very effective machine on sprouting shrubs, such as mesquite and oak brush. This is one of their big units. The plow comes in other sizes for a mounting on D-4's, D-6's etc.

(Slide) This site is ideal for aerial spraying. There is a good understory of desirable grass just waiting to be released from the sagebrush.

(Slide) Spraying cost is moderate, $2.50 to $3.50 per acre.

(Slide) This is the Boulder Spray project near Pinedale, Wyoming, the third year after spraying. Near Burns, Oregon, we were pleased that although the sage (slide) was effectively killed, the bitter brush survived, and this is how it looked one year after treatment.

(Slide) Range spraying is particularly hazardous (slide) for pilots. In the interest of pilot longevity, helicopters (slide) such as this one are coming into use. This one, by the way, was not being used for spraying. At the time the photo was taken, it had a seed hopper mounted on it, and was being used for aerial spreading.

Helicopter spraying appears to be running about $1.06 per acre versus 50¢ to 75¢ for winged planes.

(Slide) Under certain conditions, seeding directly into sprayed brush has been very successful and is gaining in popularity.

(Slide) Now, I couldn't leave sagebrush without mentioning chaining. Here (slide) 360 feet of 35 pound chain is being pulled between two D-8 tractors. (Slide) In 1956, before chaining, this range near Farmington, New Mexico, looked like this. In March 1957, one year after chaining, it looked like this. (Slide) But six months later in September after the rains, (slide) this is how it looked. Not bad.

Chaining costs in New Mexico have fluctuated between 50¢ and $1.25 per acre.

(Slide) Juniper and pinion eradication with anchor chain has been increasing in favor. (Slide) Two tractors of the D-8 class equipped with torque converters can handle (slide) around 200 feet of chain and (slide) usually can do the large jobs the cheapest.

(Slide) We aren't hiding the Cat. It is just trying to work its way through the trees.

(Slide) This is part of the 3300 acre Porcupine juniper project near Filmore, Utah. Now, if we back up just 100 feet from the spot this photo was taken (slide) we are back in unchained land. It is a good place to collect (slide) juniper berries, but just about zero (slide) forage production.

(Slide) Compare this with the crested wheat grass spot 100 feet away. To get these results (slide) after chaining, the trees were windrowed with bulldozers to (slide) clear the land for seeding with drills. On better sites, such as (slide) this one near Norwood, Colorado, two passes of the chain in opposite directions is the extent of the treatment required.

(Slide) In another year or two, the trees will look more like this.

(Slide) Heavy clay soils, are a particular problem to us. They shed water like a tin roof, produce little forage, but a lot of silt.

(Slide) To hold the water in place, the contour furrower was developed at Arcadia. (Slide) The machine automatically dams the furrows every fifteen to twenty-five feet. (Slide) The furrows are designed to hold all of the moisture that falls.

(Slide) These are pits near Rock Springs, Wyoming, designed to do the same job. (Slide) They were made with a brushland plow equipped with pitting discs. The pits do a good job the first two or three years.

(Slide) However, like the pits made with this small pitter, they are too small to last very long.

(Slide) Where deep ripping is prescribed, the Jayhawk soil saver does a good job.

(Slide) The spinner helps to open up and loosen the subsoil. The shape of the tooth itself appears to be much more efficient and seems to require less power to pull than the ordinary ripper, and it is really a ground hugger.

(Slide) To satisfy our curiosity as to what effect ripping has on moisture storage, we dug two holes in February of 1958 at this site near Albuquerque, New Mexico. This land has been ripped the year before. Now, one hole was dug in the untreated portion on the left, and the other about 50 feet away in the ripped part. In both cases, we dug down until dry dirt was hit. (Slide) We only had to go two feet to dry dirt in the hole outside.

(Slide) But, inside the ripped area the soil was good and moist down to (slide) almost five feet. Quite a difference in the amount of moisture storage available for vegetation.

(Slide) This is the Holt contour trencher, a new piece of equipment. The Forest Service has been testing it for two years. It is designed for the purpose of holding moisture where it falls. We think that it may replace other types of equipment now being used for this purpose.

The discs are 32 inches in diameter, and will make a furrow up to 22 inches deep and 36 inches wide, and in fact for fire line construction it can be adjusted so that it will make a furrow--48 inches wide.

The machine weighs around 1,500 pounds; costs around $1.00 a pound, making it about $1,500.

(Slide) It is mounted on the tractor with a simple three point hitch. (Slide) The key to the plow's success is that it always throws the dirt from the furrow down hill. (Slide) This is done by reversing the plow. The operator merely moves the hydraulic lever at his right (slide) and the discs are reversed.

(Slide) The unit here is shown working in the Pickett Pin watershed which drains into the city of Boise, Idaho. This summer a fire left the soil unprotected. As a result, heavy rains on three occasions caused flood damage to the residents of Boise.

(Slide) The Holt trencher was an important tool in the emergency treatment of the drainage, and made the smaller furrows down visible here. The large trenches, were made with D-8 bulldozers on the slopes (slide) too steep for the Holt machine.

Yes, it is true that treating and manufacturing range land is like any other job in one respect, the method used must meet the (slide) individual requirements of the site and the manufacturer.

(Slide) Man, they say, is only a "stewart of the soil." (Slide) His chore is to use it and (slide) to care for it but (slide) not to abuse it, so that generations to come (slide) too may utilize its richness. Thank you.

MR. HAY: I have a question. On those three areas that you mentioned, what is the annual precipitation in those areas?

MR. FALLON: About nine to fourteen inches.

MR. LEE: When does the moisture come, in the fall or in the winter?

MR. NIELSON: Mostly in the winter.

MR. FALLON: Pretty dry in the summer time.

MR. BROWNFIELD: Thank you, sir.

MR. STRINGHAM: May I make a speech at this point, a very short one?

MR. BROWNFIELD: Give you five minutes.

MR. STRINGHAM: I want John's attention and Fred's. I am going to make a speech, a short one. This fine cowboy from Utah, and I, made the rounds to our Congressmen and Senators this morning, and we stressed particularly this cutting of appropriations, all of them.

We had no sooner got back here in the meeting, a few minutes, until Senator Bennett's office called and said they'd take the matter up with the Appropriations Committee; that hearings had ceased on that, but it looked very favorable that the cuts would be restored, and I believe, and I am almost ready to move, Mr. Chairman, that instead of letting these men tell us in long speeches tomorrow how they love us all, that we show these pictures--at least part of the pictures--to them to show what can be done on reseeding.

That is where our big cut came. I understand a half a million dollars right, Chet?

MR. SEELEY: Right, primarily seeding.

MR. STRINGHAM: Let me tell you what happened in this 50,000 reseeding by aerial process. We objected to that in all three cases, but we got a report back from Senator Bennett's office that that's his pet, don't touch it, so we will get that where we want it.

MR. BROWNFIELD: Thank you, we are glad to get that information.

MR. STRINGHAM: I so move we show him part of these pictures tomorrow instead of having so much how do you do.

MR. BROWNFIELD: I will be glad to accept your motion, but maybe we had better let the Director guide that rather than try to change his methods. Would that be agreeable that we just talk to the Director about it?

MR. STRINGHAM: That is fine, all right.

MR. BROWNFIELD: Thank you. Mr. Mathews, we will hear from you on "Wildlife, forage allowances, increased numbers, transplants, and so forth."

MR. MATHEWS: Thank you very much, Mr. Chairman. There are just a couple of items that I would like to mention in response to suggestions that came in from our field offices, and from some of you Advisory Board members. There are some resolutions that have been formulated rather recently that also deal with wildlife, which I couldn't cover here, but some time before the meeting adjourns you will have the opportunity to consider those resolutions.

My comments will serve primarily to introduce the subject for your consideration. Please feel free to interrupt me at any point should you care to do so.

The question of proper procedures for determining allowances for "a reasonable number" of wildlife was a suggested topic. This subject has been discussed at length at previous Council meetings. The usual conclusion reached during such discussions is to the effect that the situation in each management unit must be considered on its own merits, and that agreement among the interested parties can generally be attained if they will get together to discuss the problem.

During the course of such a meeting, the first item for consideration is arriving at an estimate of present numbers of game animals by species for those that are of significance. Although the practice of making game counts has, generally speaking, been discontinued game departments are generally able to make reasonably accurate estimates of present numbers from data they collect on the annual kill plus observations.

Annual kill data provides information on total animals killed, herd composition, hunter success, and so forth, which serves as a reasonable basis for estimating size of game herds. In addition, the observation made by BLM personnel, stockmen, and other interested parties is useful information in estimating the present size of game herds.

Following the determination of the present number of game animals, condition and trend information obtained from detailed studies and observation serve as a basis for deciding whether present numbers are excessive, too low, or about right. The final step in the cooperative approach, is to estimate the size of a reasonable herd for the unit with estimates of forage requirements agreed upon.

There is no question but what the cooperative approach will provide a satisfactory answer to most wildlife problems. I cannot offer any suggestions that would improve upon this procedure. However, improved range inventory techniques for evaluating forage available for wildlife may be of some assistance. It is very desirable to emphasize the need for settling the question of wildlife allowances in all units where it hasn't been done.

You will find in your workbook a Resolution entitled "Limiting Game Increases" adopted by the Arizona State Advisory Board at their annual meeting. This resolution suggests that wildlife numbers not be increased so as to upset present management programs and operations, and suggests that transplants not be made until the problem is discussed with local people. We certainly are all in agreement with the resolution. The problem is obtaining compliance.

Here, again, I feel that the only practical approach is through the maintenance of close working relationship with all the interested parties. Perhaps if specific problems can be suggested, assistance could be provided to the local people involved, that would lead to an equitable solution.

Increases in wildlife is something that is occurring almost everywhere. Often we do not become aware of this fact until it is too late to easily correct problems developed. All parties concerned should look ahead as much as possible in order to foresee a potential problem and take corrective action in ample time.

Transplants of new species into an area, without prior consideration of the landowner problems, has resulted in some unfortunate experiences by all parties concerned. Consequently, it is advisable that a firm agreement be maintained with Game Departments that will provide for a full discussion of the proposal before the transplant is made.

Doctor Gould, a wildlife representative in Colorado, expressed concern over the need for regulating numbers of hunters in a given area as a safety measure. Although this is a real problem, I think it is one that must be handled by the State Fish and Game Departments, since they are responsible for the issuance of hunting licenses and permits.

Bob Larimer of Montana raised the question of how wildlife organizations can best assist BLM. I think the answer is primarily one of acquainting the organization's members with balanced use problems, and management objectives of the Bureau. I also feel that the stockmen and the landowner should join and participate in such organizations in order to better inform the sportsmen of actual conditions and problems.

That is all I had to present, Mr. Chairman. If there are any questions or comments, I would sure be glad to entertain them.

MR. BROWNFIELD: Any questions.

MR. ESPLIN: I'd like to ask Mr. Seeley a question. This was reported at that meeting in St. George when we were discussing this, and there was a case in Northern Utah somewhere--they didn't give the case--and that is why I wondered if it was true that the game people purchased some land for winter use of game, but it didn't have any range rights attached to it in the permit. The neighbors there had the range rights, and then later when the game people had got established on this ground they made application for its outside use.

I think it was decided that this was a higher use than the individual rancher was putting the land to, and it was given to the game people. Is that so?

MR. SEELEY: If such is the case, I don't know of it. There is a section there that the Game Department bought in the Peake Area, which was an old Indian reservation, and was sold out and the Game Department bought it, and have made sort of a wildlife habitat out in Pine Valley.

Now, of course, all these deer don't stay on the inside. They do get on the outside of the fence, too, but I am not sure whether they are allowing hunting on it at the present time, and I thought they said in a State Board meeting the other day that they were going to allow some grazing of livestock possibly later on, but it hasn't anything to do with the Bureau of Land Management. It wasn't base property, nor have they been granted any privileges on the outside for it.

Now, if there is some other place I am not aware of it.

MR. ESPLIN: The thing that I was concerned about was whether or not the Department looked in on that, too, because they owned this patent land without a right, without a grazing attachment to the public domain permit, whether it would be looked upon as higher use when the people--game people--asked for it instead of this man who had been using it for more than 30 years, whether it was higher usage to be able to take it from one person and give it to another.

MR. SEELEY: I don't think it was. The case was discussed at the State Advisory Board meeting in Utah, in which the State Fish and Game Director was there, and the question was also asked as to what happened when we bought out, for instance, base property, and I told him what my understanding of the Department or the Bureau's policy was, that if they bought out base property that had a permit attached to it and probably had an allotment as well, that in so far as the AUM was concerned issuing it back to livestock, it would not be done, but that the allotment would not be set aside for wildlife, and there was no opposition to that statement, so I just don't know where it would be.

MR. LEE: If such a thing has happened, I am not aware of it, and it surely hasn't come up in Utah. Do you know of anything such as that?

MR. KIDD: I am not sure about Utah, but the State of Nevada purchased some property that had a grazing privilege was put in the pot--they used the property for a rearing area--and the grazing privilege was put into the pot to take care of game and the grazing privileges went right on just the same.

MR. STRINGHAM: Mr. Chairman, we have a case in Utah where the Fish and Game Department said it depended on the property, and a permit is not being used except in the case of wildlife. It is a winter range area for deer.

MR. SEELEY: Well, the livestock permit, won't be re-issued to wildlife. No particular area would be set aside for the wildlife, and the livestock that are already there could spread over the area that had been permitted.

Does that agree with what you say has been done there, or is that opposite from you?

MR. STRINGHAM: You mean, now, that the cattlemen that are now running in that area may use the allotment that the fish and wildlife bought, is that right?

MR. SEELEY: If they buy an allotment or base property.

MR. STRINGHAM: Bought the base property and paid for the privileges, of course.

MR. SEELEY: As I understand it, they are not setting these areas aside for wildlife, but they are retiring the livestock permit. Now, after they get it, the wildlife aren't going to stay on that allotment. They are going to be on the outside, too, aren't they? So, as a result the livestock that are already there spread over the whole area.

MR. ESPLIN: Ches, in the case of an individual allotment and wildlife purchased it, then would it just be held to hold the livestock off and let them use it just as if it were a fenced allotment.

MR. SEELEY: That is just the thing that I am saying. That it is contrary to policy, if the wildlife would stay on it that would be all right, but the general policy is that we won't re-issue the permit for which this base property is qualified to the livestock people, but we will allow use by the present licensees.

MR. BROWNFIELD: You won't increase the livestock to permit these carrying capacities by reason of that fact.

MR. SEELEY: We retired that, and the livestock that is already there would have a larger area to graze on.

MR. BROWNFIELD: That brings up something on which you will have to make a policy on later and which may require the wildlife agencies in the various States who own this property to cause the Government to charge them for the use of the land, and I think that is something that should be thought about.

MR. SEELEY: Well, there may be other things you want to discuss but, however when they buy out the base property and just retire that much livestock use from it--

MR. McKNIGHT: Supposing the allotment were for livestock, who would be the logical cattleman to put his cattle in there?

MR. SEELEY: There you get back to problems you are confronted with regarding adjoining users. As to whether is is allotted-whether you are going to put one man in there and can do it by relieving the other range or whether you are going to have to break it up, and whether you are talking about changing allotment lines and things of that kind are problems that must be settled on the ground.

I can't say there is any definite policy, but in every instance it will be different.

MR. ESPLIN: Supposing you took proper care of this community range, maybe you could increase the carrying capacity to some extent. Would you let these fellows increase their numbers again, or would that all be used for game?

MR. SEELEY: You are getting into problems that somebody higher should get into. I am not an authority. I am just trying to tell you how it works in our area at the present time.

MR. ESPLIN: We have hopes of being able to increase these carrying capacities.

MR. SEELEY: Well, the wildlife people want to increase their carrying capacity and so do the livestock people so--

MR. STRINGHAM: May I ask one other quick question. Ches, do you then presume that the wildlife people can increase their deer or big game numbers after purchasing the property and permit?

MR. SEELEY: Well, up to date, I don't think there is any where that we have any such understanding with the game people as to numbers they are going to have on any of these areas. We don't issue them a license. I was very encouraged at the State Board meeting in Utah, the other day, with the Utah

Director where he was agreed to get the people together from the various districts, the wardens and members of the Game Department, and try to arrive for various game herds in each of the districts an estimate of a reasonable amount of wildlife should compose these various herds.

Now, there are a lot of things that Bill brought out that that makes it difficult. They haven't been endeavoring to keep a population of the deer in the State by count. They have been managing their big game herds on what they call trends, and it has been very difficult and they have been very much opposed in the past to saying as to actual numbers, and AUM's that a range would support but talk in trends. This is the first indication, as far as I know, of a willingness to go ahead and try and see what a reasonable amount of wildlife would be in each one of these areas.

Personally, if we do it we are just pursuing a hopeless trade. No matter how we try to manage any area, we can't manage--the forage without knowing anything about how many animals there are going to be.

I think if you are ever going to reach the objective desired, it is going to have to be done by understanding and cooperation between the game people, the Bureau, and the livestock people.

We have seen it over the years. Some areas that I can think of the game numbers have grown and grown. I can see that since the Act was first enacted, we have had a great increase in big game populations.

MR. BROWNFIELD: Any of you game representatives got anything to say?

MR. SWALLOW: I'd like to make a comment. This purchase, was a purchase of the Hendricks property at Sunnyside, Nevada, and it was purchased principally for the propagation of waterfowl, ducks and so forth, but in the purchase they obtained quite a substantial amount of range privileges, BLM range privileges, and since the purchase this range has been allocated to one user instead of being distributed to allow for the increase in game which was spread over the range as a whole.

This range has been placed in an allotment with one individual user, and is causing considerable concern. The adjacent user felt it was rather discriminatory. I bring this up to illustrate what can happen.

MR. BROWNFIELD: Thank you.

MR. GERBER: In Oregon, we have contacted the State Game Commission and asked them their requirement in each district before it is adjudicated, and that amount has been set aside--that amount of land--has been set aside for their use before any livestock numbers are settled upon it by the Game Commission, and it has occurred to us that they will try to maintain their deer herds, or whatever the case may be, whatever type of game it may be at that prescribed number, and I think that is the proper approach.

MR. BROWNFIELD: You mean a percentage of the total land is reserved for wildlife?

MR. GERBER: Whatever use the Game Commission determines they need within that area is set aside before any livestock numbers are placed on that land, and in addition to that the Game Commission has, as I say, has assured us that they will maintain the herd at that level and it won't fluctuate above that point.

MR. BROWNFIELD: In New Mexico, I believe, there is a percentage prescribed and written in each permit for wildlife. I have forgotten what that percentage is, but I think that is the first one. Each and every permit reserves a percentage for wildlife use.

MR. GERBER: In most of our district, it runs about 15%.

MR. KIDD: I understand the man from Nevada to say that the livestock using the area in question came from the surrounding area, is that right?

MR. SWALLOW: The livestock formerly ran adjacent to the base properties that were purchased, but in setting the thing up now the area is enlarged for one individual rather than being enlarged for the total number of people in the general area who will have to absorb their proportionate share of any increase in game or existing game.

MR. KIDD: Don't you think that is a land management problem, then?

MR. SWALLOW: Yes, I do, in the opinion of the Committee it is important.

MR. KIDD: I understand that everyone would have liked to have gotten in on that one.

MR. SEELEY: I think, Mr. Chairman, I have touched on a very important problem as to who gets in, and as I mentioned before, you run into another problem of change in allotment line. I don't know how this is distributed or how it was determined that a particular individual was to have it, but apparently he already had his cattle there and was given a larger area, is that it, George?

It wasn't new cattle that came in at all, or additional cattle. It was cattle that he had already licensed and spread out. Now, you run into this question of changing of allotment lines. If you are going to give each one a little bit, then you get into something else. I don't know whether this was one of the problems or not.

MR. SWALLOW: It was a situation of where the allotments were in the process.

MR. BROWNFIELD: Again, don't you think the local boards and the district manager and the wildlife representative on that Board can handle that deal? In the interest of good range management that is provided for in the Code, it strikes me that you can handle any of these deals.

MR. SWALLOW: The Board held one position, the Range and Service people another one.

MR. LARIMER: I'd like to tell you just a little bit about the way Montana is handling the situation. For some years, now, at least the last several years, the Fish and Game Department have worked together closely on trying to set big game numbers throughout the whole State.

The way they have been doing it, of course, is to--in so far as they can--is to make game counts and we have the same situation there where a certain amount has been set aside for wildlife depending on the range survey.

Depending on these game counts, the Fish and Game Department then in cooperation with the BLM try to determine what population is desirable there, what the range can support. If the game number is smaller than the amount of acreage, you have no problem, but if it is larger then we have a tool that we have been using for the last several years of not imposing a limit on non-resident licenses. So far as our residents are concerned, there is no limit.

But, if we have an overpopulation in a certain area, we not only have an open season for residents, but we also issue a certain number of non-resident permits to take care of the overpopulation. Now, this has been working out very, well except for one or two very rough areas that we just simply can't get people in there to get what they want. It isn't that they aren't trying to get in there but the area is so rough that the local residents won't go in there at all, and we are forcing the non-residents in there to hunt, and in some cases we are getting desirable results and some cases not.

The Fish and Game Department, last January, signed an agreement which puts in writing and makes legal--you might say--the further cooperation between these two agencies, and it spells out very definitely the responsibilities of both of the agencies. I feel sure that it is a big step in the right direction, and I also feel sure that with the controls that we have now we are going to keep our situation very well under control.

I don't think we will have any problem. Now, one other thing I wanted to mention, too, is that I stuck my neck out here a couple of years ago in regard to what competition there actually is between wildlife and sheep and cattle. The State, for some years now, has been carrying on intensive research on what antelope and deer actually eat--others, too,--but particularly deer and antelope, and through those studies they can tell you from their charts almost exactly what a deer or antelope will have in his stomach on a given range at any time of the year.

Now, the studies are pretty complete and they are carrying them farther. Now, I also asked the sheep and cattlemen if they could tell me what the cows or sheep had in their stomach at different times of the year, and they said, "No, they can't, there had been no studies made," and I said I didn't know of any either.

I am happy to say that Montana is right now carrying on a very intensive research on what sheep eat on any given range at certain times of the year and, of course, in another year or so they are going to have the answer for us as soon as that is done, and we are going to carry on the same sort of study on cattle, so they are going to know and have an answer for us as to what cattle eat on a range at a certain time of year, and from that we should arrive at what competition there is between our wildlife and our grazing interests.

I think, in the long run, we are going to find out that the competition is not quite as great as you think at the present time. There are certain things that animals like at certain times of the year, and at other times they don't. Cattle, of course, want grass and sheep are a little different because they do compete with antelope a little more because sheep will eat most anything, and the antelope like sagebrush, so we are going to find a little more competition between the sheep and the antelope than we do between the sheep and the cattle, but I am happy to say that Colorado is carrying on this same sort of study, and we were shown some very good slides at a recent meeting in Denver of some test plots that they are carrying on at the present time, and I thought that the results were very revealing although the tests are not completed, and here again we are going to get a different answer--not a different answer--but a more complete answer from their studies, too.

I am very happy that these studies are being carried out. We will have some of the answers and then we can probably arrive at a little better solution to our problem. We will know what we are talking about as to how much competition there really is. Thank you.

MR. LEE: One thing there is sheep won't eat almost anything.

MR. LARIMER: I should have elaborated more on that. If the forage is short, they probably would eat almost anything. If there is plenty of forage, they won't.

MR. GERBER: Do you know what percentage?

MR. HUGHS: Is there any further discussion on this problem?

MR. DOYLE: Along this line, the same subject of wildlife versus domestic animals, the California and Nevada--speaking of the northern part of California and that part of the boundary that joins Nevada and California, where we have pretty hard winters, we carry on a thought in managing big game that there has to be both big game and an adequate number of livestock since they increase the zone of either deer or elk. We are getting along in good shape, but we do find that the more they know about what we are doing and what our problems are the better we get along with all these various associations and the fish and wildlife men.

Now, we do get a lot of good advice from them, and they--I think the thing you have to do is join them and have them join you. The thing that we find is that the more they know about our problems, the easier they are to get along with. Thank you.

MR. LEE: The game people in New Mexico made the statement that they won't hunt more than two miles back from any road. Do you have that trouble up there, that they won't go back and get the stuff harvested back away from the road?

MR. O'CONNELL: Yes, but the outside people are using licensed guides. They are getting back.

MR. LARIMER: I don't want to blow up Montana, but the fact is that throughout a great part of the State--as I mentioned before--we have a two deer season in most areas of Montana, and that means we have a lot of game. In fact, we have so much game that the average person doesn't have to get far back to get his game. Why should he go back in there if he can shoot it from the road. He is not going to get out and go very far. We use this non-resident tool, as I mentioned, to get these non-residents to go back in the back areas and believe me a lot of these fellows that come from the East where they don't have any hunting, are glad to get back there year after year, and they are happy to do it.

MR. HUGHS: That exhausts this subject. I think we all gather the impression that it is pretty much a local problem. I would say that the Southwestern part of Colorado, the deer have canyons that they get into that no livestock does, and the hunters in so far as they hunt on the main portion of public domain drive them into those canyons, and you have your same problem year in and year out.

Some areas are so infested with deer that it becomes quite a nuisance. Other areas they don't bother anything other than the growing crops in the spring, and fall, but we can't make a general rule in my opinion, or a Code provision, which would control equitably or be practical for all of the Western States in particular areas and I think that Dee was right that this is a problem for the local boards and local management working in connection with the wildlife representatives of the state.

MR. KERR: May I interrupt for a moment. Mr. Cliff Presnell of the Fish and Wildlife Service, Division of Rodent and Predatory Control, is here today and one question came up here two or three weeks ago and I was alarmed.

It seems that there was some difficulty being experienced by the conflict of interest between our district people and the employees of the Fish and Wildlife Predatory Control people. Evidently that wasn't too serious a situation, but we would be interested in knowing if there is any opposition to the use of 1080 from the livestock people in your particular grazing districts or areas. Would you mind letting me have your comments?

MR. LEE: The only opposition I know of is in Southern New Mexico. Apparently 1080 isn't very effective there where it doesn't freeze in the winter, and some of those cow men down in the southern part of the State have the idea that the coyotes will kill off a rabbit infestation, but outside of that we haven't in the State of New Mexico had any opposition to 1080 or thallium sulfate either. Is that what you mean? That is the only place that I know of.

MR. HORN: We have had quite a lot of kick in Northwestern Colorado on 1080, and some of it hasn't been used very carefully. It killed quite a number of good cow dogs, and killed off quite a coyote population that we think has helped us in rodent control, and killed a lot of hawks that we have felt very badly about that we thought helped us with the rodent control, and they have kicked and we have made it known that we were very strongly in opposition to 1080 in Colorado.

MR. KERR: That was private land?

MR. HORN: No, most of it was on public land.

MR. ESPLIN: In Arizona, one of the papers down there has taken this 1080 thing up and written a number of editorials, and they really have been scorchers, and also regarding cyanide. The editor has also written Senator Hayden regarding this matter, and a letter came back from Mr. Mercer who is Supervisor down there of the Fish and Wildlife Service, and Mr. Mercer came down to the Arizona Cattle Growers Convention a year ago in 1958 and got the Arizona Cattle Growers to put a resolution through to their Resolutions Committee favoring the use of 1080, and then this paper really tore into that and said that he was personally going around to contact several of the Directors of the Arizona Growers, and there are a number of people in there who are not for it.

They think it is a bad thing. Now we are really concerned about that where I operate, because if we can't use 1080 and these cyanide guns I don't know how we could control these coyotes, and there has been a resolution introduced against trapping so you can't trap coyotes and that if you have traps they must be humane and you have to visit them once in every twenty-four hours, and a lot of other regulations. We have been getting a lot of opposition in Arizona against the use of 1080.

MR. KERR: Mr. Stringham?

MR. STRINGHAM: We have some opposition from the cowboys claiming that their cattle take the guns as well as chew the bones and that 1080 has been poisoning animals although they make a great effort to destroy the bait after a certain time. It is a God-send to the sheep men. I don't know what we'd do without it if we didn't use 1080.

MR. KIDD: I might say that in regard to the rabbit population being on the increase, the studies that went on in Idaho show that coyotes are on the increase now. Then when the rabbits are on the increase, why, your coyotes have a better feed and they will have larger litters. A sample of the litters in the last few years shows that we have had two or three coyotes more per litter than before and that is attributed to the larger rabbit population.

It is believed up there that if we had enough coyotes to even think about controlling the rabbits when they are running in their cycle, there wouldn't be any room for people. I might say regarding 1080, that we haven't had any complaints about it in the last year or so, but if some little thing happens then the criticism rises and then it finally dies down. I have used these cyanide guns right in my cow pastures and as far as I know I have never lost any cattle from the cyanide guns, or caused any disturbance. There were a few dogs that would take to the cyanide guns. We have moved our sheep onto an old camp ground where there have been cyanide guns, and then moved away the next day, and it is just occasionally that you will lose a dog so we haven't had any bad results from the use of cyanide.

MR. KERR: Mr Williams, do you have any complaint?

MR. WILLIAMS: We like the coyotes better than we do the rabbits.

MR. EVANS: We feel the same.

MR. KERR: Clarence?

MR. GRIEVE: We have no objection. I know a few individuals that objected, but--

MR. KERR: John Hay?

MR. HAY: We have had no opposition and the State Director, our District Director, comes to work with the livestock man on the Advisory Board. We have this fund there. We have a mill levy. We assess 21 mills, and we turn that over to the Fish and Wildlife, and we also use some Board money and we use all of the effective weapons that the Agency has and we all hope that we might through their research find something more effective. The cooperation on their part is very fine. I know of no criticism or objection.

MR. KERR: Thank you; Fred Strosnider?

MR. STROSNIDER: We don't have any objection. Of course, the cattlemen would rather have a few coyotes around there but we haven't any troubles at all.

MR. KERR: Does that statement satisfy you, George?

MR. SWALLOW: That is substantially the situation. I don't have any complaints. The sheep men feel that it is necessary to use the 1080.

MR. KERR: Frank O'Connell?

MR. O'CONNELL: We are getting along in good shape in Montana. Both the cattle and sheep are assessed, and that is turned over to the wildlife people, and we use 1080 and I think we are getting along in pretty good shape. Sometimes there is a local complaint that comes up, but it is local and by and large we are getting along all right.

MR. KERR: Is that situation up on the high line about the same?

MR. ETCHART: There is a little resistance to the 1080 program from the cattle people if you can spot it. I'd say it is primarily tied in with what Frank said, there is a levy for predatory animal control charged against cattle, and I think there is a percentage of the cattlemen that don't feel that the coyote, which is the main predator, is any threat to their livestock and, therefore, they shouldn't be paying that share of the financial load of carrying on that program.

However, I will say this that the Association has also, in the past, supported this levy which would indicate that the majority of stockmen favor the use of the 1080.

MR. KERR: Warren McLean?

MR. McLEAN: For quite a while, there, the cattlemen were opposed to the 1080 and in certain areas. But, it finally got down to where there aren't too many sheep there but I notice here in the last year or two that some of these fellows that were complaining about their cattle eating the 1080, why, they incorporated with us now and they have found out that it works all right so I don't think that we have too much to worry about.

MR. KERR: Henry Gerber?

MR. GERBER: Our district, which is a small one but nevertheless composed of 100% cattle users, last fall there were some 1080 signs up and there was quite a bit of protest. There was a mouse infestation a couple of years ago, and they think that it helped them a little. However, all of the local cattlemen in the Association have supported the Sheep Association in their eradication of coyotes, so I don't think there is too much talk about it as to eliminating it entirely but, however, it seems like to me that there should be more or less of a local determination as to whether it should be in the district or not.

If there aren't any sheep in there, and the cattlemen don't want it, they should have that privilege of not having it placed in there.

MR. KERR: Mr. Jones?

MR. JONES: Well, we have had some opposition. I know, I have been on that Board a long time and a lot of cattlemen don't feel like we should spend too much money for killing the coyotes that we needed on the range for range improvement. But, we have got another method now. We have noticed that the jack rabbits are getting a lot of our grass, so--in the last six weeks--so last Saturday they had a rabbit drive and we have had good cooperation from the Forestry Service, and all the local people and organizations, and up until last Saturday we have rounded up 13,000 jack rabbits.

We got at least 2,500, or 2,800, I believe it was, which was the most on one drive, and we are going to continue to do that. It is sure going to help that valley.

MR. LEE: How much do you get for them?

MR. JONES: Ten cents a piece. I might state that they are going to Wyoming, and they--

MR. LEE: Where they are going, too, is New Mexico, the truck comes down there every week and picks them up and a lot of young people are making out all right.

MR. JONES: That is the best market we have had, and I will tell you what we do. We have a rabbit organization that spends quite a little bit of money for these fences, and we also furnish refreshments. That is how we get a lot of our large crowds out, and about 40% of this money goes for refreshments. We have had as high as 500 people, part of them on horses, and part of them on foot.

We have even had the Indian school from Brigham City. They come up there and they have had the time of their life, but the only thing they don't do is sell rabbits.

MR. LARIMER: Maybe you fellows better refrigerate those rabbits and send them out. They have been bringing 75¢ to a dollar up in our country.

MR. FAULKNER: We don't have any particular trouble in our area except with cyanide guns close to the areas where children go out on horses, children on Sundays go out, and I happen to be a member of the Predatory Board and we are going to start putting up signs where we have cyanide. We are having a little steel stake put up. We have more trouble with cyanide guns than we do with 1080.

MR. STRINGHAM: May I ask a question. You stated that they killed hawks, Mr. Horn. Aren't birds immune to 1080?

MR. HORN: That is what we have told them, but we have found hundreds of hawks dead of 1080 after it was put out in the area.

MR. PRESNELL: I reckon there is a lot of things that might kill a hawk. I wouldn't want to say what killed these particular ones, but I do know that we have kept hawks, and eagles, and buzzards, in captivity and have force fed them more than they would normally eat on 1080 baits. It is pretty hard to make them die or even get sick.

They are pretty well immune to it. As I say, I wouldn't want to say what killed these particular hawks. There aren't any pat answers to any of these things.

I am mighty glad to have a chance of sitting in here, and I appreciate Jerry asking you about your problems. I will go along with Mr. Gerber in saying that it is a thing that should usually be settled at the local level, and I want you men all to feel that our men in the Predatory and Rodent Control work are ready and willing to work with you on anything that comes up.

We want you to bring the thing right to their attention. I am sure that these things can be settled at the local level. We will do all that we can to settle them.

I don't have any specific comments, now, except to Mr. Jon
those rabbit drives. You might be surprised at the number of people from the Eastern States that are writing to us about what an inhumane thing it is to kill rabbits in a rabbit drive, and to invite children and women to these affairs and make a picnic out of it, and we have answered a few of those letters by inferring that perhaps it was inhumane to require the ranchers to try to make a living in the presence of those rabbits, and we have also got a lot of letters about this trapping bill that was mentioned here, too, and we have called the attention of people to the fact that the Department of Interior has reported unfavorably on the trapping bill.

But, I just mention those to show you how there are two sides to everything, and we are sort of caught in the middle here. Thank you.

MR. LEE: Can I ask you about your eagles? Now, as you know, we got a terrible influx out of Old Mexico of the Mexico black eagle that is coming in and I guess we are killing about five to seven hundred of them a year. Now, they are coming in, but never have we seen any sign of a bald eagle, or a hawk ever being killed by the 1080 but those Mexican black eagles take it, and these fellows are selling those black eagles for about four and a half apiece to the Indians for their head dresses.

MR. PRESNELL: You mean the black eagles are dying from the 1080? That is the first I had ever known of any bird like that doing so.

MR. LEE: I wondered if you had any of these Mexico black eagles in your experiment.

MR. PRESNELL: We do not. I will pass that thought along to the boys, and see what they can make out of it.

MR. LEE: I think if you can get ahold of Mr. Gatland down there in New Mexico, he will tell you about it. They have been a terribly damaging thing, those black eagles. Not only to lambs and sheep, and calves and game, but they will hit a calf right in the kidneys and it takes a calf about a week to two weeks to die, but they will get them.

MR. PRESNELL: You wouldn't want us to pull the 1080 base out to save the eagles then, would you?

MR. LEE: Go down to Texas where they have eliminated the rabbit entirely. The rabbit is just like the human. If he doesn't have anybody to chase him or make him work, or anything he gets fat and lazy, and dies. You don't have any rabbit infestation down there. They have about eliminated it.

(Laughter)

MR. HUGHS: Are there any further remarks on this subject? If not, we will go to the next subject "Selection of Wildlife Representatives on Advisory Boards" by Mr. Nielson.

MR. NIELSON: This subject of "Selection of Wildlife Representatives on Advisory Boards" was prompted by some questions that we received from various State Fish and Game Departments as to what the qualifications should be of a wildlife representative on our District Advisory Boards.

The Federal Range Code and the Taylor Grazing Act spell out, to some degree, these qualifications. The Taylor Grazing Act provides that there should be a wildlife representative on each Advisory Board, and that he shall be appointed by the Secretary in his discretion.

The regulations of the Federal Range Code provide that wildlife representatives should be appointed by the State Supervisor. However, neither the regulations nor the Bureau's Manual of Procedures spell out as to just what the qualifications of a wildlife representative should be, or what procedures should be followed in making the selection.

We wrote to the various States to ascertain just what their thinking was in connection with this question. We found that in some States there were wildlife representatives who were paid employees of State Fish and Game Departments, and that in other cases there were States where the State Fish and Game Department and the State Supervisor had pretty much followed the policy that wildlife employees of either the State or the Federal Agencies were not qualified to serve as wildlife representatives on District Advisory Boards.

We thought it was opportune, possibly, at this time to bring this question before the National Council and see what your reaction is, and to use your suggestions in possibly determining what our policy should be in this regard.

Now, we did, as I say, poll the various States and found that in some states, all of the District Boards had recommended that no full time or paid employees of the State Fish and Game Department be qualified to represent the wildlife interests on the District Advisory Board, because it was their feeling that if there were such representation they wouldn't be free to speak for themselves, and for the wildlife interests, as to what should be done with respect to wildlife problems involving the public lands.

In other words, they felt that possibly they would be inclined to go along with State policy or Federal Wildlife Policy, or possibly their positions may be jeopardized. On the other hand, in some States, we found that there were considerable numbers of representatives who are paid employees of the State Fish and Game Department who now serve on Advisory Boards and that they are doing a good job, and that their affiliation with state programs appears to have had no reflection or influence upon their service as wildlife representatives on the District Advisory Board.

I think that we should probably open the subject up for discussion in order that we can have the full benefit of the views of your Council Members, and particularly the wildlife members. The Director has spelled out, in memoranda, that certainly a wildlife representative should have a keen interest in conservation of national resources, including wildlife, and an understanding of interrelationships involved in multiple land use management, and an understanding of big game needs with respect to forage and habitat, and the need for balance between available feed and big game numbers, recognizing seasonal as well as year long needs. That conflict between the various uses should be understood, including the importance of watershed protection, and a paramount concern in selecting a representative should be his demonstrated ability and willingness to represent the wildlife interests particularly in attending meetings, reviewing and examining wildlife habitat, and range conditions, and problems, and fairly recognizing the total multiple use-management programs in his deliberations as an Advisory Board Member.

Mr. Chairman, I perhaps should turn the floor back to you and see what developments might take place in regard to this subject.

MR. GERBER: Mr. Chairman; In Oregon, at the State Advisory Board Meeting, it was the thought that we would like to have someone from the State Game Commission because of the fact that we figure they were at least as well qualified as anyone we could possibly get to answer the questions that we had in mind. They have personnel in the field, and trained men, and that was the knowledge we wanted to gain.

MR. KIDD: Mr. Chairman, I have a resolution here from Area 2. Area 2 represents Idaho, Utah, Nevada and Arizona. This was presented at our State meeting, and this is the way it reads. I put a copy of this Resolution, and six others, around for each one of you. This is the first one, and it says:

> "That wildlife members to advisory boards should be selected under present provisions of the Federal Range Code and they should be selected regardless of occupation."

That is the thinking of Area 2, and the reason for that is our representative from the State of Arizona is an administrative man, and the one from Utah is a postal employee, and the one from Nevada--maybe the Nevada representative can tell me--I think he is Fish and Game, and we have one from Idaho that is a retired Fish and Game man that is getting a pension and as far as I know the one from Nevada he has been active for several years, and he has been back here twice, and that was the thinking of that Area.

MR. GERBER: I want to take issue on this point. It was our feeling that we should have a man with some background, and knowledge, and education along that line, and about the only class that we could get that man from was the Game Commission men who are trained in that field.

MR. ETCHART: I believe that Mr. Nielson mentioned that there is one State that recommended that these men not come from the Fish and Game Commissions, and I think that it was Montana that made that recommendation, and our reasoning was this.

First of all, we always invite these professional people to our meetings, and they are there and their counsel and advice is available to us. We kind of liken it to having our Assistant Range Manager on the Advisory Board.

Now, he is there and he is present, and he can advise the Board but is that professional man truly representative of the public? We thought that you should go back to your sportsman groups like our District encompasses, these three counties, and there'd be clubs and we thought that we'd go back to them and, after all, they are the sporting public you might say that are involved here, and let them get one of their ranks to represent them.

These professional men that you are talking about are not denied in any way representation. In fact, they are invited and they are welcome to come and make their views known, and everybody wants to know what they are, but we feel that if this man were taken from the sportsmen's group it would be more akin, you might say, to your Advisory Board members like you take them from the livestock people.

MR. KIDD: I might say that where part of the thinking came from in this was that they were advised that the sportsman groups, organizations, would recommend a person to the State Game Director and he would also recommend him to the State Supervisor, and he would get his appointment from there. The Code doesn't spell that out that way, but that was the information we had at that time, and I am sure in our District the sportsman groups will know who is sitting on there and who is going to take part.

MR. HUGHS: Let's get it cleared up. At present, what is the process of selecting the game, fish, and wildlife representative?

MR. NIELSON: The general practice has been that the State Fish and Game Commission, or the Department at any rate, recommend or nominate representatives to the State Supervisor, and the State Supervisor then makes the selection and appointment. Now, in some States, I think there has been the procedure followed whereby, say, the Wildlife Federation or the Isaak Walton League makes suggestions to the State Fish and Game Department who, in turn, makes further recommendation to the State Supervisor, and then the State Supervisor makes the appointment pretty much in concurrence with the State Fish and Game nomination.

MR. HUGHS: There is no regulation which would prevent anyone from being appointed to that position.

MR. NIELSON: No, there is not.

MR. HUGHS: I don't know, the motion hasn't been seconded, whether it is a matter we should go into. If one State would rather have representatives who are not employees, or connected with the Fish and Game Department, that would be their privilege to tell the State Supervisor that.

If you gentlemen would just as soon have it, you can tell your State man. Isn't that about what it comes to?

MR. KIDD: I think so.

MR. HUGHS: Are there any further remarks on it, or is there a second?

MR. SEELEY: I'd like to give a statement of the way this procedure is operating in Area 2. In Area 2, three of the States request a recommendation for an appointment from the State Fish and Game Director who, in turn, consults with the wildlife organizations in that particular District as to who they want, and he is recommended by the State Fish and Game Director.

In Utah, they have a kind of a combined responsibility there; that is, it's the responsibility of the joint recommendation from the State Fish and Game Director and the Head of the Wildlife Groups, the Federation, whichever it may be, and I think it has been working very well in Utah.

Now, this was a matter of quite a lot of discussion, and we in Area 2--a wildlife meeting has been held in each State with all of the wildlife representatives just as you hold a State Board meeting. They come together, and have what they call their State Meeting.

Each one of these groups select a representative, to attend what we call an Area Meeting, and we convene in one State or another and how each State recommended I am not going to say. The minutes are there as to show just how each one recommended, but at the Area Meeting which was held in Phoenix, at which each State Supervisor was present, each State Range and Forestry Officer, the State Fish and Game Director of all four of the States, fish and wildlife representatives from different Federations, representatives from the National Wildlife Federation, livestock men, and so forth, and the livestockmen who were present were from the Phoenix Area, or the State in which we met, and they had a good day's session.

They came out with the recommendation that they didn't think that we should say that anybody regardless of his occupation if he were selected by the wildlife groups and the State Game Director, whichever procedure was chosen there, that his qualifications should be questioned; that they were sure that they'd be interested and after all it is their interest that they are trying to get someone on the Board to handle.

MR. HUGHS: All right.

MR. ETCHART: I don't think it is the intent of the Montana people that anybody should be denied the opportunity to sit on this Board. It was our feeling that that fellow should be truly representative of the public that he represents, and just as our Advisory Board members are elected by an election it was our feeling that the sportsman should have the same privilege of electing the man that they want to represent them from the local level on up, and I am sure that our feeling would be that it shouldn't be restricted as to who it is but that the nomination or election should come from a local level, and from the sportsman that they will represent.

MR. SWALLOW: Mr. Chairman, we have this same question before our State Board, and we have discussed it at length. We came up with the idea that we recommend the way that it has been done; that is, that no change be recommended. That is the general feeling. But, however, the background was this, and the discussion, that they would like to have a representative from the State Game Board who has some knowledge, or knows something of the arrangements.

We feel that we should have someone there who knows how to count game, and give us a re-count of the different things that the general run of us could not know, so we think we'd like to have technicians but we'd like to have them also have a livestock background.

So, in looking over the list that has been submitted to our State, all of our Grazing Boards are going along with the wildlife representatives, so I think that is a pretty good representation for the type of appointment that has been made to the various boards, and we like to work with those people because of the fact they are charged with knowing something about migratory forms of game, and the amount.

Of course, we disagree with some of their game counts but at the same time they are giving the best knowledge of all of this, so Nevada goes along with the appointment even though we do have kind of a complicated qualification background. But as far as a directive, if that is what they want to do, then we will take that plus someone that is interested also in the livestock interests that knows something about it.

MR. HUGHS: Any further discussion?

MR. SEELEY: Just one thing on what George stated here. In that same meeting, all of these State Fish and Game Directors said they would be glad at any time for any of their personnel to sit in on any of these meetings if they were so requested; that they had personnel all over the State, and if you wanted specialized information on it they would be glad to sit in in addition to these representatives that you have.

MR. JENSON: I don't think it is right to have Gene Etchart carry all of this load of feeling that they are not to be paid employees on the Board, because it was the opinion of all four of our States that they should be that way, and I think Mr. Larimer should probably speak for them because he is here now and New Mexico felt the same way, as did all four States.

MR. LARIMER: Thank you, Cy. At the meeting in Denver several weeks ago, the four State Wildlife Representatives came to the same conclusion that they felt that most of us were representatives of sportsmen's groups. Personally, I am Vice President of the Montana Wildlife Federation, and right now I am speaking in that capacity rather than as a wildlife representative to this Board, to give you the views of the sportsmen's groups, and we feel the same way that Gene said, that we feel the technical advice of the Fish and Game Department is available at any time we want it, and we can have it on a moment's notice.

In our own District, we happen to hold our meeting in the same town where the District Office is. The person is available, and we can have him come over in minutes, so we don't need him on the Board to get the information that we want.

We feel that where they are full time employees, that they are not having to speak for themselves as to probably how they feel. They have no say even as to who is employed by the Fish and Game Department. They hire and fire as they please, and we don't on the other hand want them to mess in our affairs.

The fact still remains that we think a person appointed outside of a department who is entirely active in wildlife affairs, and who is willing to give his time, who is willing to take an interest and try to understand the problem of the sheepman and the stockman is desirable.

Personally, if I felt I didn't understand those problems and take an active interest in their affairs, and try and get along with them, that I wouldn't be of a value on the Board. We feel that while there is supposed to be no politics or no pressures brought in the Fish and Game Department that that is not true, and you all know it, and we know that there could be a great deal of influence brought in certain cases upon these employees, and they would speak as they were told rather than as they actually thought.

We know that to be a fact, so we feel it should be someone from the sportsmen's groups who has no ties with anybody except the sportsmen, to represent them.

MR. HUGHS: Are there any other remarks?

MR. STRINGHAM: I have sitting beside me Mr. Kidd who is an ideal--

MR. HUGHS: Just a minute, another question.

MR. WILLIAMS: I think we in California go along with this. We meet very closely with the Fish and Game people, and they advise us and give us all their information that we ask for, and I think it really should be the sportsmen's groups that should have a representative on this Board.

MR. HUGHS: All right, Senator Stringham.

MR. STRINGHAM: I have sitting beside me here an ideal representative on the Fish and Wildlife Organization. He is a cattleman, and a sheepmen, and yet they insist he be on the Board showing how fair the sportsmen are, too.

MR. HUGHS: All right, as the matter now stands this Council has no objection to the appointment of a member of the State Fish and Wildlife Service, although he is a paid employee on the Board, but do not recommend one way or the other to the various appointing agencies in that connection.

It is further suggested, which I would think is a very good suggestion, that when practical an employee or a member of your local Fish and Wildlife Service be asked to meet with the Board to give you advice whenever you feel you want such a man to be present at the Board meetings.

That seems to be the consensus of opinion here. Is there any further discussion or remarks?

MR. LEE: Mr. Chairman, can I ask this. You were saying four states were unanimous. New Mexico passed a resolution not to allow paid employees on Boards.

MR. JENSON: All four of our States were unanimous in not having a paid employee, and your representative from New Mexico was very strong in his feelings about that, Mr. Hernandez.

We are abiding by the Director's memorandum. I forget the date of it, until this is settled.

MR. HUGHS: But your District has no objections if the other areas want a man who--

MR. JENSON: That is up to the Director.

MR. HUGHS: Let's move along, then, to the next.

MR. KIDD: Mr. Chairman, I want to add one more thing. We had two more resolutions dealing with wildlife, this is the second one:

> "That consideration be given to having one wildlife representative from each grazing district as members of the State advisory boards."

The third is:

> "That one wildlife member from each State be selected as a representative to the National Advisory Board Council."

I would like to submit them for the record.

MR. HUGHS: Do you have a copy of the motion, or do you understand it? It is really two motions, isn't it?

MR. LEE: I think that should be deferred to the business session.

MR. KIDD: That would be all right.

MR. HUGHS: Anything further on the wildlife situation?

MR. FAULKNER: I didn't understand how you were going to handle this. Some Boards and some States voted that it would be a paid employee, and others thought it should not, what was the outcome?

MR. HUGHS: Local.

MR. FAULKNER: Then, the Director will go anyway that he wants to go.

MR. HUGHS: Local policy would control that. We won't attempt to control it from the national level.

MR. SEELEY: I'd like to make one comment on that. We are speaking, here, or you are all speaking here, as a Board and what the qualifications of a certain representation on these Advisory Boards would be.

Now, this is a matter that pertains to the sportsman and wildlife people, and I feel that in accordance with our other procedures, and the Code, and so forth, that if they want to put limitations on what the wildlife people--the restrictions there should be, or the qualifications they'd want a wildlifer to represent them--that they should be consulted and come up with recommendations because I am sure you are going to get differences of opinion from different areas, and if you are going out without them being consulted I think we are going to meet with possibly some criticism, and some opposition. After all, they are the people that are interested in it.

MR. HUGHS: Any further remarks? Then, Mr. Mathews will present the next subject, the rye problem. That is not bottled rye, gentlemen.

MR. MATHEWS: The rapid spread of Medusa-head rye presents a serious threat to much of our spring-fall rangelands, especially in the northern intermountain area. This unpalatable annual grass has invaded approximately 700,000 acres in Idaho and 45,000 acres in Oregon.

Medusa-head rye is a low growing annual grass with rather stiff foliage and long harsh awns. Because of the chemical composition of this plant, together with undesirable physical characteristics, it has very little forage value. In addition, certain growth characteristics gives it the ability to invade and take over some rangelands in good condition. Although its rate of spread is much greater on burned over or depleted rangelands, it can, under certain circumstances invade both native and reseeded rangelands that are in good condition.

Records indicate that the plant was first discovered in east central Washington in 1902, the plant was first identified in Idaho near Payette in 1944 where a few acres were discovered. In fifteen years, the Idaho infestation has spread from a few acres to approximately 700,000 acres.

Because of the lack of a difinite means of control of Medusa, the Bureau of Land Management has participated in research projects with the University of Idaho by making facilities available since 1952. In 1959, the Bureau agreed with the University that the seriousness of the problem warranted increased emphasis on Medusa research and entered into a cooperative agreement that provided for a substantial expansion of the program with the Bureau of Land Management providing the on-the-ground facilities.

The expanded program is designed to provide detailed data on grazing management practices that can best prevent invasion into good range areas, and grazing practices that will provide guides as to best use of areas already infested. A second phase will further explore the ecology of the plant, and will evaluate methods of rehabilitating an infested area through chemical treatment, cultivation, burning, reseading, and so forth. In addition, the Bureau in Oregon has for the 1960 fiscal year entered into a cooperative study with Oregon State College.

So far, researchers have found that the plant contains a high content of silica which accounts for the harsh characteristics of the plant and the slowness of which litter will decompose. They have found the plant to have no measurable forage value. In fact, even efforts to create a palatable product by putting it into silage have failed. Reports indicate that cattle losses have occurred in the Lewiston, Idaho, area during the early spring when grazing stock consume quantities of the old growth in trying to obtain the new spring growth. Death of the animals was attributed to compaction of the undigestable material.

Because of the high silica content of this plant the old growth deteriorates very slowly, consequently, a mat several inches thick develops on the ground. This mat of old growth serves to adversely affect the other range plants in several ways in addition to being a severe fire hazard.

It has been noted that the mat of old Medusa growth is often adequate to prevent the cheatgrass and other grass seeds from reaching the ground to germinate. Ironically, the Medusa seeds can germinate without contact with the soil. Fall and winter moisture will cause the seed to germinate, and if need be, the seed will send down a runner several inches through the litter to make contact with the soil and establish the plant. In addition, the heavy accumulation of litter has a smothering effect on many range plants. Medusa gets started in the fall and late winter and completes its life cycle well ahead of the cheatgrass. For this reason it tends to subdue cheatgrass. Also, it can grow very well in a good stand of perennial grass since it completes its life cycle while there is ample soil moisture.

In Idaho, Medusa occupies areas with a rainfall variation of approximately 9 to 20 inches of annual precipitation. In fact, it appears to be adaptable to the same general range of soil and climatic conditions as cheatgrass and, therefore, can be expected to replace cheatgrass in many areas.

There is no question but what Medusa presents the most serious threat of any range weed to the spring-fall rangelands of the norther intermountain areas. So far, no proven methods of control are evident. However, good management practices will certainly delay and minimize invasion.

It is, therefore, extremely important that an awareness of this problem be maintained and that research on control of Medusa-head together with field trials of suggested control action be given substantial emphasis.

MR. HUGHS: Are there any questions of Mr. Mathews; anyone want to know more about the rye grass?

MR. LEE: You don't have a sample of it here, do you?

MR. MATHEWS: I am sorry, we don't have a sample, Mr. Lee.

NADEAU: If you write out to Oregon they can help you. They made a local distribution of their supply to their Districts. Maybe they can send samples to some of these people.

MR. HUGHS: Tell them to take the seed off, first.

MR. MATHEWS: We would be very glad to obtain mounts for you if you are interested.

MR. HUGHS: Jerry Kerr informs me that our Boss wants the floor now. Ed?

MR. WOOZLEY: I'd like to make an announcement here to you stockholders in this organization, that we just completed our sale in New Orleans on off-shore leases. About 40% of the land offered was taken, and the Bureau took some $285 million in bonus bids. They were there 160 minutes, and that divided into $285 million makes roughly $1,750,000 a minute. Supplementing what I told you yesterday, $58 million in these bids were kept in escrow for each one of the disputed zones, but $227 million or slightly more than a quarter of a million will go into the treasury. This sale just indicates the interest in our resources.

I would like to make a correction. I made a statement yesterday morning, and I said that somewhere over 2,000 cases have been completed on appeals last year. I talked to the office after I left here, and they advised me they had completed 4600 cases. I guess I was thinking of the backlog rather than the number that had actually been closed so I'd like to make that correction.

On these bids, they sell in blocks of 5,000 acres, and we had one bid of $11 million on 5,000 acres for the bonus alone, and then of course the royalty will be 16 and two-thirds percent on all production. We had these 5,000 acres off shore of Louisiana. We had two bids off-shore Texas that were a little larger, 5760 in each block, and we had two bids that were over $4 million each for bonuses. Shell was one of the bidders, but they were practically all large companies.

It takes about a million dollars to drill the first well. It usually runs from about four hundred to seven hundred thousand dollars for the platform if they use a stationary platform. Then, they drill several wells, slant drilling, from these platforms but the first well usually runs about a million dollars, so that is in addition to the bonus so it is a big time operation all right.

MR. FAULKNER: How far is it, you sell them a chunk of the ocean, is that the idea?

MR. WOOZLEY: Well, that is part of the Gulf of Mexico.

MR. FAULKNER: How far inland does it come, like these 5,000 acres?

MR. WOOZLEY: Most of these were out around 25 miles from shore, and in approximately 200, 250, 300 feet of water. We are now issuing pipeline easments under 300 feet of water.

MR. FAULKNER: No land except which is covered with water.

MR. WOOZLEY: That is right; now, we have nothing to do with any land down there. We just have the off-shore areas, and none of them are closer than three and a half miles from shore.

MR. FAULKNER: How far out do you figure you own?

MR. WOOZLEY: Well, that is an international question. But, we expect to be able to lease out to 100 fathoms which is 600 feet isn't it, Mike, so we expect to make leases out to where the water is 600 feet deep.

MR. HAYS: Do you make a charge for a pipeline under water like that?

MR. WOOZLEY: Yes, sir.

MR. HAYS: How much?

MR. WOOZLEY: We have projections out there--these grids that I was telling you about yesterday--and so these pipelines are projected on maps and follow the leasing blocks so that we know where they are going, and whose leases they go through, and who is authorized to pipe or tap into these pipelines.

So, they are operated about the same as on-shore except they have to be down two or three hundred feet under the water. It is quite an operation. I hope you can all go down and see it sometime.

MR. STRINGHAM: How many wells from one platform?

MR. WOOZLEY: I think the most they have ever drilled is 9--7 is the most I have seen.

MR. HUGHS: The next subject will be on weed control, by Mr. Letson.

MR. LETSON: Since we were unable to include a topic on weed control in last year's council agenda, we have included it in this year's program.

The total acreage of land infested by Halogeton has remained relatively constant during the past year, however, some areas have noted an increase in acreage. The most notable among these is the State of Nevada which reported a considerable increase, while Wyoming and Utah each reported a general increase. Colorado was the only State which reported a decrease in acreage.

Also of considerable importance is the fact that New Mexico and Arizona have no infestations, although there continues to be a threat from bordering States. Our crested wheat seedings are proving very successful in controlling Halogeton and help to alleviate the grazing pressure on surrounding native ranges. Because of this relief many native ranges are beginning to show signs of recovery with a resulting decrease in the density of Halogeton.

In connection with our range seedings in the weed control program, I would like to mention the Range Weed Research Tour conducted in Utah and

Nevada last year in September. The purpose of the tour was to observe and evaluate the work being done with respect to control of weeds through grazing management and revegetation.

The tour group convened at Benmore, Utah, and proceeded to the cooperative grazing studies being conducted by the Intermountain Forest and Range Experiment Station and the Utah State University Animal Husbandry Department. The studies were designed to provide information on proper intensity and best system for grazing crested wheatgrass.

The program now includes 24 pastures involving 12 replicated grazing treatments, including 4 systems and 3 intensities of grazing. Thus far, greater differences in vegetation have resulted from intensity of grazing than from systems of grazing. Halogeton first invaded the area in 1952, and since that time has invaded at least 22 of the 28 pastures. The spread of Halogeton seems to be influenced by at least three factors, including intensity of grazing, soil type, and years of climatic factors.

It has been most widespread in heavily grazed pastures but has also been found on heavily grazed spots (ant hills, barren areas, sacrifice areas) in lightly and moderately grazed pastures. The presence of Halogeton seems to be associated with the salt content of the soil. On slick spots devoid of vegetation except for Halogeton, there was upwards of 2.3 percent soluble salts while soil samples from a good stand of grass a few yards away in which Halogeton was absent showed not over .08 percent soluable salts.

This plant has been more prevalent in years of abundant summer moisture (May to September) than in years of normal or below normal precipitation. Our control measures have placed greater emphasis on mechanical control practices (seeding, brush control) and management measures (fencing, pitting and furrowing, livestock distribution) than on chemical control by use of 2-4-D. With the extent of our infestations at this time, it is quite evident that complete eradication is not feasible. Control will be in the form of management which will limit its percent of composition in the total forage stand.

We have found that chemical treatment is effective in materially reducing the stand of Halogeton in specialized areas of spot infestations and on the perimeters of large infestations, however, it is not very effective in controlling Halogeton within the confines of general infestations.

The development of pre-emergent chemicals appears to present the most promising deterrent to Halogeton from the standpoint of chemical control. Several States have treated small areas or trial plots this year, and we expect to have some preliminary results during the coming year. Of the pre-emergent sprays, Sylvex (2-4-5-TP) and Diuron are the most promising, however, the latter also kills the grass. Pre-emergent sprays are applied in the fall of the year, are residual in the soil, and kill the seedlings during germination and emergence the following spring.

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During 1959, the following livestock losses from Halogeton have been reported:

Idaho - 1 cow
Utah - 336 sheep
Nevada - 730 sheep, 17 cattle

There are undoubtedly more livestock losses due to Halogeton than the above figures indicate. All losses are not reported to the district, thus the above figures are not complete.

Pinon pine - Juniper

While not commonly thought of as a weed, pinon pine and juniper infestations have assumed those characteristics in some areas of the Southwest where otherwise good ranges are being taken over by these two species. A considerable amount of pinon-juniper eradication is being done in some districts. The infested area is first cleared by use of an anchor chain drawn between two crawler type tractors. The uprooted trees are then windrowed and burned. The area may then be plowed if necessary and seeded.

Alfrombrilla-Drymaria Arenaroidies

We have received information from Mr. Don Sheppard of the Plant Pest Control Division, Agricultural Research Service, that to date there are no known infestations of "Carpet" weed this side of the international border. Some reports have been received from ranchers to the effect that infestations do exist, but it is believed that they have this weed confused with other species of the same family.

ARS has contacted the Mexican Government and made plans for a cooperative survey project in Mexico. They will attempt to determine the general infestation areas and learn as much as possible about the plant and its growth habits.

Tamerisk or Saltcedar - Tamerix pentandra

The Bureau of Indian Affairs and the Bureau of Reclamation are stressing the control of saltcedar and other phreatophytes in the Southwest. Phreatophyte is a name given to a group of plants that tap ground water supplies and habitually depend on this source. Plants commonly referred to as phreatophytes include saltcedar, willow, cottonwood, mesquite and greasewood. Of less importance are seepwillow, alder, arrowweed, giant reedgrass, camelthorn.

These plants are commonly found lining banks of streams, on flood plains and shorelines of reservoirs and in areas where the water table is at a shallow depth. Thus far the control of tamerisk has centered around the use of chemicals such as 2-4-D and 2-4-5-T. The Bureau of Land Management has not entered into control projects of this type as yet.

Scotch Broom

Scotch Broom is an introduced species. A European ornamental, it is a perennial shrub that grows two to three feet high and has stiff, angled, broom-like branches. This plant has infested over 100,000 acres in the foothills of the Sierra Nevada and coast range mountains in California. It is also very common in Western Oregon. The California Department of Agriculture has recently granted permission to introduce an insect, Leucoptera spartifoliella, as a biological control for scotch broom. The adult femal moth lays its eggs in late May or early June on the green stems of the plant.

The eggs hatch 15 to 20 days later and the larval or "miner" then bores into the green stem and remains there through the winter months. In March or April it emerges from its tunnel and pupates forming an elongate white cocoon. The adult moth-emerges in late May or early June and again repeats the cycle. The plant is killed through the activity of the "miner" boring through the green stem growth during the larval stage.

Other Weeds

Several species of weeds are causing some concern in the Western States, but as yet there has been no demand for a control program on any individual species.

Loco Weed appears to be the most serious of these weeds. In Utah alone 500 sheep and 30 cattle were reportedly killed by loco weed. In the various districts where losses occurred, the losses were estimated to range up to 50 percent of the lamb crop and 80 percent of the calf crop. In the Richfield District, 11 percent of the Federal range was so densely infested with loco weed that livestock was removed from the range. This weed is also a problem in some areas of Nevada and Arizona.

The loss of 14 cattle in Nevada was attributed to Larkspur, with rumors of more losses which were not formally reported. Utah, Idaho and Colorado also reported problem areas involving this plant, which is particularly bad during years of abundant spring moisture. Other weeds of some importance are death camas, goatweed, whorled milkweed, cockleburr, tansy ragweed, canadian thistle, camelthron and whitetop.

Beet Leafhopper

The beet leafhopper control program is operated only within the State of Idaho, and is directed at the elimination of the host plants used by the insect. At present, emphasis is placed on Russian thistle and tansey mustard infestations which are the primary host plants.

Program Accomplishments

The following is a list of our accomplishments in the major program practices of the weed control and beet leafhopper programs for the fiscal year 1959:

Brush control, chemical	2,907 acres
Brush control, mechanical	2,974 acres
Weed control, chemical	14,868 acres
Range seedings	72,469 acres
Fencing	216 miles
Contouring	2,880 acres
Dune Control	1,561 acres
Dikes	89,760 lin. ft.
Pipelines	11,050 lin. ft.
Checks	100 each

During the 1959 fiscal year, 57,532 acres of Federal land in Idaho were reseeded and fenced with beet leafhopper funds. So far during the 1960 fiscal year 29,954 acres have been seeded, 46.5 miles of fence constructed and 6 cattleguards installed. It is estimated that during the remainder of fiscal year 1960 an additional 6,500 acres will be aerial sprayed, 14 miles of fence will be constructed, and 5 cattleguards will be installed.

The total 1960 fiscal year allocation of Federal funds for the beet leafhopper program is $175,000. An additional $29,339 was made available through contributed funds.

Appropriations

1958	-	554,058
1959	-	1,068,660
1960	-	841,000

Do you have any questions?

MR. LEE: I have a question. I'd like to know what you are doing about that weed coming out of Mexico. They tell me it is at Apache Wells now, and they say it is a different variety but the real variety is right there at the border within a couple of hundred yards.

Are you people making any defense of it at all?

MR. LETSON: Our State Office in New Mexico is on the alert for it. However, in their last report received here in January there is as yet none found on this side of the international border.

MR. LEE: I was wondering if you were making any experiments or doing anything to erradicate it. If it crosses, it will cross it this year and it seems like in your report all your money is being spent in Idaho and, well, some in Nevada and Utah. I was wondering about getting some of that money spent down there to protect the southern portion.

MR. LETSON: At this point, we are depending on the Plant Pest Control Division for research and information on how to control the Alfrombrilla when it gets here. They are conducting a cooperative survey with Mexico this year, and will provide us with any information they get.

MR. HUGHS: Any other questions?

MR. HUGHS: Our next item will be Mr. Hyde, and I think we will take a short recess. Let's make it ten minutes.

(Whereupon, the conference recessed at 3:40 o'clock p.m., to reconvene at 3:50 o'clock.)

MR. HUGHS: The next item on the program is Mr. Hyde who will speak on appeal procedures.

MR. HYDE: Gentlemen, the topic which has been assigned to me to discuss with you is that of general appeal procedures, and particularly three items which have been suggested by members of this Council don't fit into a particularly well organized presentation as far as I was able to organize it anyway. So, I will attempt to discuss these problems briefly, and then entertain questions that you might have on the subject, and I expect there will be quite a few questions coming up from the table here.

First of all, with respect to appeal procedures, you are all familiar with the provisions in the Taylor Grazing Act, Section 9, which provides that the Secretary of the Interior shall provide by appropriate rules, and regulations, for local hearings on appeals from decisions of the Administrative Officer in charge in a manner similar to the procedure in the Land Department.

Based upon this statutory authority we have in the Range Code 43-CFR-161.10 the provisions which govern the procedures for the taking of appeals. I think possibly it would be well to trace the process of an appeal, and then point out a few problems which have been apparent in the appeals which have been coming through the Director's office in the recent year or two.

Initially, of course, there must be a final decision of an officer of the Bureau. In this initial case, it would be the District Manager. There is 30 days allowed in which an appeal can be taken from this decision, and this appeal must be filed in the office of the officer who rendered the decision.

The scope of the appeal is to be limited by the appeal as then filed. Anything that is not claimed in error with respect to the decision of the District Manager is considered as waived. Of course, however, the hearing examiner may broaden the scope of the hearing when it comes before him, if he feels that it is necessary to the development of the case, so as he can view it in its best light.

When the appeal is filed with the District Manager, he then forwards it to the State Supervisor. The State Supervisor then has a period of 30 days in which he may file a motion requesting the hearing examiner to dismiss the appeal on the grounds that it is frivolous or that it was filed late, or that the errors were not clearly or concisely stated, or that the issues are immaterial, or that all issues involved had been previously adjudicated in an appeal involving the same privileges, the same parties or predecessors, or interests.

The District Manager, if the decision is not dismissed on this motion, then proceeds to arrange for a hearing to be held. At least 30 days notice is required by the regulations to be given to the parties that are required to be present at the hearing. The hearing is conducted, of course, under the direction of a hearing examiner.

The hearing examiner calls, generally, the meeting to order and then tries to get the parties to stipulate as far as possible as to what the issues are. The issues sometimes are a little bit difficult in establishing, because some of the appeals as filed are in a very broad sense in that they want to open up every and all things. It is a legal approach, I guess, to insure that you have consideration of anything you might later want to bring before the Director or Secretary on appeal.

After the parties have stipulated as to what the issues are, and if possible stipulate as to as many of the issues or the facts involved, the State Supervisor or his representative--and it is generally a representative from the Solicitor's office--will make a short opening statement setting forth the facts leading to the appeal or issuance of a show-cause order in a trespass, or show-cause proceedings, and upon his conclusion then the appellant is given the opportunity to state his case.

The appellant, of course, has the opportunity of showing wherein he believes the decision of the District Manager is in error. Upon conclusion of the appellant's presentation, there is an opportunity made for the interveners or the Bureau, through its representatives or on the motion of the hearing examiner to order a summary dismissal on the appeal on the basis that it has been presented inadequately, or there is insufficient basis shown there to even warrant the Bureau going on with its presentation of the case.

After all the evidence is in, and the Bureau has completed its case, a written decision is required to be prepared by the hearing examiner, and this decision is served on all parties and interests by registered or by certified mail. The parties in interest here are allowed ten days in which to determine whether or not they wish to appeal from this decision, and when I say parties this means that the interveners, or the appellants, or the Bureau through its State Supervisor or representatives, may also appeal from the decision.

If an appeal, a notice of intention to appeal is not filed within this ten day period, the process of appeal stops right there. We have had, in the last few months, Departmental decisions which have held that the Director properly dismissed appeals which did not have their notice of intention to appeal timely filed in the office of the hearing examiner who rendered the initial decision.

After the notice of intention to appeal is filed, and at the time the notice of intention to appeal is filed, the parties have the opportunity to request a copy of the transcript of the proceedings. An appeal must be filed in the Office of the Director here in Washington within 30 days; that is, 30 days after receipt of the transcript of testimony or if a transcript is not requested within 30 days after receipt of the initial decision.

We also have had in the last year quite a number of decisions dismissing appeals because they have not been timely filed there in the Washington Office, and these are Departmental decisions which state in effect that the grazing rules preclude the considering of an appeal unless it is timely filed in compliance with the regulations contained in the Range Code. The decisions are the cases of Stanley Garthofner found in 67 ID, and they haven't given the page number because it hasn't been published yet, and also the case of William S. Young, et al, 66 ID page 113.

Well, if an appeal is timely in all respects, and the technical aspects of it, the Director's office here prepares a decision and the Director signs it. It is served on all interested parties by certified mail. If they desire to appeal the Director's decision, they have the opportunity to do so and the appeal is then filed under the general rules of practice under 221 of 43 CFR.

It provides that a notice of appeal must be filed within 30 days. At that time, a $5.00 filing fee must also be submitted with the notice of appeal, and then within 30 days from the filing of that document the appeal or its brief must be received in the Secretary's office.

At any time along the handling of these appeals, if a party does not appeal timely or if he decides to stop the process of appeal, he is then precluded from going on further in obtaining judicious review of the case because in order to go into a federal court and obtain a review one must have exhausted his administrative remedies, and if he has not pursued his appeal through to the Secretary of the Interior he has not done that.

In the questions that prompted this talk, there was a few suggestions that possibly during the conduct of a hearing that the case files of interveners should be made available to appellants for examination. Just a few comments on this.

This Bureau would have no objection to a person obtaining specified information out of the files of interveners, but we don't feel that the files of all parties to these precedures should be laid open for the general perusal of anyone who cares to look at them.

If a party has a question that he wishes to have answered, and he will state the question, this information if it is not of a personal nature would certainly be made available. We don't feel that the entire case files should be turned over, and we feel that it would have a bad effect if it were done.

Also, the suggestion was made that possibly the rules of evidence which are generally applied in ordinary court procedures should be applied in hearing matters. The purpose of an administrative hearing is to give speedy remedies to the parties that are affected. Also, to make them a little bit more simplified and to make them not subject to these sometimes harsh court rules of evidence.

I know that in some of the hearing transcripts that I have read and reviewed, that a great deal of the testimony, and a great deal of the background to a case would not be admissible under the ordinary rules of proceeding in the normal court systems.

Well, I think we'd better move on to another little topic. One that I think possibly you can express better than possibly I could, that of the expense of appeals to the appellant. This is something I think that could be developed by discussion mainly from your viewpoint rather than from the Bureau's. The Bureau has quite an expense also in these hearings, and we are all anxious to find ways of cutting down on the expense.

To do through a hearing involves a lot of time, and a lot of effort on a lot of people's parts. Now, we would suggest possible ways of limiting expenses, and we would not attempt to impose our views on you because we might want to limit some of these hearings a little bit, but you are entitled to your conduct of your case, or your position, as best you see fit.

It might be well to get together a little bit more in informal talks with the Bureau, and the attorneys who are representing the appellants here, and try to stipulate as to certain facts; try to agree with what the issues are, and I think with a better understanding of what is involved it might possibly avoid an appeal entirely because it is not unusual that when a person goes to a hearing it is not set in the mind of the appellant exactly what he is faced with, or what he is appealing, and when the facts are made apparent to him a lot of these are settled without even going through the formal steps of a hearing.

But, in the meanwhile, the Bureau has run up quite an expense in preparing the case, and also bringing a hearing examiner into it, a recorder, and also a lot of time preparing the exhibits which could be avoided if there were fuller understanding.

As to the third topic, here, that of proposed legislation to enable an action to be brought in the local district courts. There has been a bill introduced by Congressman Budge, on February the second, 1960, which proposed to do exactly what was suggested here. It is a bill to permit a civil action to be brought against an officer of the United States in his official capacity, a person acting under him, or an agency of the United States in any judicial district of the United States where a plaintiff in the action resides.

This bill is number HR-10089. It has been referred to the Committee on the Judiciary, and the Department of the Interior has not been requested to make any comments to it, and due to the fact that this covers a pretty broad field in that it does not just affect the Department of the Interior, but the entire Government, the Department of Justice in all probability will handle the recommendations on this particular piece of proposed legislation.

I have said a lot, now. Are there any questions?

MR. LEE: Is this the bill that provides that after appeal to the Secretary that it will go back to the federal court?

MR. HYDE: This would provide, yes, for the action to be brought to your own district court after it had been through the Secretary.

MR. LEE: Not the local district court, but the local district federal court.

MR. HYDE: That is right, sir.

MR. HUGHS: Have you made any provisions for pre-trial procedure?

MR. HYDE: We have the authority to conduct pre-trial procedures. They have not been held because in many of these cases it would involve sending a hearing examiner out a great distance, and then returning again at an additional time. But, if we felt that it would save time, and avoid expense, in the long run, we'd be glad to do it. Anything that would insure the speedy and the just resolving of the conflicts.

MR. FAULKNER: From what you just said, you feel that this bill that Representative Budge presented doesn't seem to your belief have much of a chance to pass.

MR. HYDE: The Department hasn't been asked to rule on it. I can see arguments on both sides for it. I know some of the arguments, one being that an appeal taken from a Secretary's decision is generally argued on motions for summary judgment, to show that the Secretary of the Interior erred in his decision, or he was arbitrary, or he was capricious in his action.

You don't go into a trial de novo in one of these cases. It is argued on the record for this reason; there is no reason why it should not be handled here in Washington where the Justice Department attorneys are available to consult with those in the Department here in Washington to handle it.

It would not be any advantage to the Government to have it tried out in the West, and it was not I think thought to be too severe of a handicap to have one of these cases which is argued solely or, I say solely, generally on motions for summary judgment to be heard in here.

MR. STROSNIDER: We have a letter from our Bar Association which you just covered on the matter of interveners files not being allowed to be opened unless on specific request or need. How confidential are those files, does not an intervener when he gets in there aren't his files as open as those who make the appeal?

MR. HYDE: I would not think so. I feel that the intervener is in there looking out for his interests in this controversy. He is not putting, necessarily, his matters before the hearing examiner to be determined. It is an affair between the Bureau, generally, and the appellant in this action, and it should not open up the entire record as far as the intervener is concerned.

But, I think you could question the intervener's right to intervene, and say, "Well, you have no business being here because you are not being affected by our decision."

MR. STROSNIDER: That is true, but they raised that question which you have answered but I was just wondering if there wasn't some way that they could get these files without filing a specific.

MR. HYDE: I don't think the Bureau is being unreasonable to say that we will give you anything that you have reason to concern yourself with if you will specify exactly what you want.

MR. STROSNIDER: I am looking for information. It hasn't been done. Now, the files of all--well, let's see, these are confidential and--

MR. HYDE: I don't believe that any District Manager is going to turn the files over to anyone who comes to the office and says, "I want to look through Joe Doaks' files."

MR. STROSNIDER: They haven't.

MR. HYDE: Well, I don't think that our files would contain anything of value to the Bureau after a while if we'd turn them over to anyone. Some of the material is of a confidential nature, and I think we should respect the confidences of people who supply that information.

MR. STROSNIDER: Well, I had the answer here and I just wanted to discuss that one part of it. The answer is that you are correct in your statement that the files are not open.

MR. HYDE: No, I'd say they would not be opened to just anyone who wanted to just review them.

MR. STROSNIDER: That is with respect to the intervener.

MR. HYDE: That is right.

MR. STROSNIDER: Your appellant's files are open for the examiner, or anyone else that sees fit. That answers my question.

MR. KIDD: I'd like to ask if, on these appeals procedures, if you could tell me where a case laid for three or four years, is there that much of a backlog in this work or does it just get lost someplace? What happens when it goes three or four years and you don't hear any more about it?

MR. HYDE: Sometimes we have unique cases that come up here on cases of first impression, or novel impression, and they do take a considerable amount of study and reflection, to attempt to come out with what we feel is a workable decision. We don't have a substantial backlog any more.

We made an agency check of the records, thinking that someone might ask, and in the last two months we had seven appeals filed in the Washington office. With this recent addition of seven appeals, it brings the total here in Washington to 25 appeal cases.

Of these cases, in various stages of completion, I'd say there are about thirteen or fourteen of them that are in pretty well finished draft form, awaiting the review in either the Solicitor's office or awaiting the Director's decision on whether he wants to sign it or not, or they are just in the pipeline--I guess is the way you should put it.

MR. KIDD: That answers my question, the last two words.

MR. HUGHS: Any more questions of Mr. Hyde?

MR. HYDE: In the last year we here in the Department of Interior published a volume which contains the Department's decisions on Section 3 grazing cases. It covers a period from 1936 until 1958. It is available from the Superintendent of Documents in the United States Government Printing Office, Washington 25, D. C., for a price of $3.00. This is the only place I think that you will find a collection of these grazing decisions in such detail.

This is as near as we can establish a complete collection of all Secretary's decisions on grazing matters.

MR. FAULKNER: Maybe it is best we don't know them.

MR. HYDE: Well, I wouldn't say that, sir.

MR. HAYS: Does each district office have a copy of those decisions?

MR. HYDE: Yes. If you wanted to have them, you could probably--or we could obtain them for you from the Government Printing Office at $3.00 a copy cost, or you could make a request and they would mail them to you.

MR. GRIEVE: Are you prepared to take orders?

MR. HYDE: If there are a sufficient number of people, we could possibly get a unit order here and maybe get delivery on it by tomorrow.

MR. GRIEVE: I will go for one.

MR. BROWNFIELD: Maybe our Secretary would allow us to have enough from his funds and buy each member of the Council a volume. Mr. Treasurer?

MR. HAY: We have as of--

MR. BROWNFIELD: If we have to go in executive session to do that, we will remember tomorrow and do it.

MR. HAY: We have, as of this minute, $762.07 in the bank. If it is the pleasure of the group to spend the money that way, the Secretary will write it out.

MR. BROWNFIELD: We are not in executive session. I am trying to promote something here for us.

MR. HYDE: It is stated in the preface here as one volume, and it will not be followed as contemplated by another volume.

MR. HUGHS: The book referred to would give you the decisions from '36 to '58. I assume that the decisions from then on will be published somewhere, because they would overrule some of these and make others obsolete.

If we want them, why, let's have a motion on it.

MR. LEE: Some want then, but I think we ought to all buy them ourselves, personally, because we are going to need that $700.00 for some of this Congressional fighting.

MR. HUGHS: As a lawyer, I don't know that it would be too much use to you unless you kept them right up to date right along. There is one thing I'd like to find out. You made the statement that an intervener doesn't put his rights in for decision, that is different.

If a man comes in as an intervener, he subjects himself to the jurisdiction of the court. His rights can be adjudicated.

MR. HYDE: The regulations state that the extent of the hearing is governed by the appeal as filed by the appellant, I believe, does it not?

MR. HUGHS: Then, the party in a legal sense would not be an intervener. He'd come in as a friend of the court asking to be permitted to take one side or the other.

MR. HYDE: I suppose so.

MR. HUGHS: Any more questions?

MR. FAULKNER: I'd like to ask a question. If a licensee takes a decision of the District Board and runs that year under that decision, and the next year he decides that he doesn't want to take that decision, isn't that longer than 30 days? He has 30 days to appeal. I have seen that happen, where they appealed the case and had a hearing on it that was a year after.

MR. HYDE: You have a separate decision there don't you, sir? He can appeal that second decision. The only way you could cut this off would be if he failed to take an appeal for a period of more than two years, and has accepted this reduction in his privileges then he'd be precluded from taking his appeal.

But, from a new decision, he'd have the right of appeal, yes.

MR. KERR: Why two years?

MR. HYDE: The decision that he originally decided not to appeal denied him a part of what he was requesting. He acquiesced, he accepted. Now, his privileges have not been affected by this decision, I don't believe.

Maybe we had better not discuss this field if there hasn't been any decision on it, but I always understood that a man's privileges were only taken away by virtue of certain provisions in the Code which operate to do just exactly this.

MR. KERR: All right, they make an adjudication, and on the basis of the adjudication the users are all required to take certain reductions and they are all notified of the reductions, and it goes into effect that following year, no appeals are taken from it.

Then, the next year you say he could come back and apply for his full number, and if he didn't get the full number then he'd have the right of appeal?

MR. HYDE: Well, I think we have a problem here that hasn't been really decided has it, Mr. Kerr?

MR. KERR: It surely should have been.

MR. FAULKNER: That has happened in this case. It has been four years. I was just wondering if he didn't have the right to do it. It didn't look like it would take four years to do it.

MR. HUGHS: You may be talking about two things. He'd have the right to ask for an appeal and in that one sense could take the appeal. Of course, the Government would come in immediately and say this former decision was res adjudicada, is a term we use, finding on you and therefore we move to dismiss the appeal. In all probability, it would be dismissed.

MR. HYDE: There is a possibility of that. I think, though, since you mentioned that particular case that it is really impossible for me to give an answer on that in that it is presently before the Director. He hasn't decided it as yet. I don't know what his final decision will be. My answer is an opinion.

MR. FAULKNER: That was my point. After he had accepted it and used it a year, the allotment and all, then next year they appealed it and they were allowed a hearing, and now it is back here to the Director's office.

MR. HYDE: When the Director decides the case, we will have the Director's decision on this problem.

MR. HUGHS: This is the stock answer, of course, of the attorneys and solicitors. When it is decided, why, we will let you know. Thank you, Mr. Hyde. All right, Jerry, we are ready for you.

MR. STRINGHAM: Mr. Chairman, Jerry, will you yield just a moment? I want to make a speech, but short.

MR. HUGHS: You go right ahead.

MR. STRINGHAM: Now, you men forget that speech I made this morning. It was wrong. I have got to make a new one. Senator Bennett called, as I told you, and said those reductions will be restored, but he meant there was some reduction in the House and when they got back to the Senate they restored them, but that isn't the problem.

The BLM got most of the money they asked for, but the Secretary in distributing that money robbed the Soil and Moisture Program and put it in Parks and Indian Affairs, and so on, and we are short $480,000 in the program.

I want you to fire up this thing and get the money. We have got to go, now, to the Senate Appropriations Committee and ask them to add $480,000 to the appropriation for this particular job, so that it won't stop dead in its tracks at this period.

Now, will you all go to your Senators and do that personally for me, please?

MR. LEE: How about a little more for ours?

MR. STRINGHAM: I hope you will talk to your Senators and Representatives on this thing.

MR. FAULKNER: He says it went along with the budget, but the guy that is the head of the budget takes it away from some department, and I talked to my Senator about that and--

MR. STRINGHAM: My Senator says the same, but this can be done, the thing that I just suggested.

MR. FAULKNER: When we make a resolution, let's make a resolution to present more or less what I presented yesterday, that we go on record asking for more money another year, and maybe we can get additional for this year, and maybe considerably more next.

In other words, I don't want it at $500.00, and if the West maybe went for the same amount or state some such figure maybe we could put the bee on our Senators to put the soil and moisture money back.

MR. O'CONNELL: May I ask where this money is to be spent?

MR. STRINGHAM: Over ten Western states, and you get your share, I know that.

MR. LEE: There is one thing about it, the Indians will take it away from you unless you tie it down some way.

MR. STRINGHAM: Mr. Chairman, I have been through this one in the Forestry Department. It is just as easy as pie, if you will get together and go after it. We have got plenty of money here.

MR. HUGHS: I suggest that you take it up under a resolution, and go ahead with Jerry now. We will all be here tomorrow.

MR. STRINGHAM: If we can see our Senators before we get to these resolutions, it will help. That is my point. That is why I am posing this at this time, taking Jerry's time here.

MR. HUGHS: Very well.

MR. STRINGHAM: I don't know when we'd see them, but my suggestion is that if at all possible we take this matter up with our Senators right away.

MR. HUGHS: Very well, Jerry.

MR. KERR: The Director in his talk yesterday mentioned the four amendments to the Federal Range Code that had been submitted to the Department, and had been published in the Federal Register, since we met last February.

As he stated one was necessary because of the adoption by Congress of the "Wildhorse Annie" Bill which prevents the use of automotive equipment, and airplanes, in rounding up stray horses. The amendments to the Code in Section 12, simply removed the authority which had been in the regulation before for the use by the District men of such equipment in gathering wild horses.

The second is the regulation providing for the posting of signs on fences which cross public lands. We have held a number of meetings, as you know, to discuss this with all interested people. In addition to that, it was discussed by the Federal Land Committee in the Wool Growers and the Cattle Growers Convention. We still have two meetings scheduled, one at Casper, Wyoming, on March 16 and one at Denver on March 17, where wildlife groups, livestock groups, and so on, or their representatives will be asked for suggestions and their views concerning how such regulations should be implemented and the need for it.

You will be interested to know that in a number of the meetings, the general feeling among all of the groups represented was that we should move rather slowly. That there was a possibility that the sportsmen, vacationers, and so on, might lose more if we, went too fast or too far, in posting of signs, than they have enjoyed in the past. The general view seems to be that the best results are going to be obtained if the need for posting and the actual posting is left to the discretion of the District Manager who, with the advice of the Advisory Board, will make the determinations.

There was a third amendment to the regulations covering Section 15, lease lands and grazing district lands aimed at facilitating the processing of state lieu selections by providing for the waiving of the requirement that the

State compensate the Federal Government for the value of improvements that the Government has placed on lands which are embraced in the lease selection.

The objections from all the States are that they have to get their funds to make such payment from the legislatures. Their legislatures operate on what you call a biennium or two year appropriation basis, and it is impossible for a State Land Board to estimate in advance the amount of money that they might need for that purpose.

I am particularly anxious to have the Council consider the fourth group of amendments which were discussed at our Council meeting last year. One is the definition of adjudication. A second is the amendment to Section 161.6(e)(3) of the Code which made an exception to the limitation that grazing privileges in excess of the grazing capacity of the range may not be issued.

The third is the amendment of Section 161.6(f)(3). We are particularly anxious to get your consideration and comments on this provision which is in two parts, 161.6(f)(3) and 161.6(f)(4).

Now, as usual, when these regulations are published in the Federal Register as proposed rule changes, thirty days is allowed for comment. In this instance a considerably longer time than that has elapsed but during this time we have had two firms of attorneys, and one Congressman, who have written praising the provision that reductions may be extended over a three year period, but they take exception to number four which is on page three of the handout, on the basis that, actually, what we are doing is holding a club over the heads of the applicants and telling them, "Now, just you dare appeal, and then you will have to take your reduction all in one clatter when the appeal process is completed," and they feel that that is an unfair and inequitable position to take.

Now, of course, the attorneys are more likely to feel that way because they are going to lose some business as a result of it but there is some merit to that criticism. I want you to know, however, that in the drawing up subparagraph 3 and the provision for the reduction over a period of up to three years, a lot of consideration went into it.

Now, in the matter of appeals, our experience has been that it takes at least three years--generally more--four or five, to carry the appeals process from the hearing to the Secretary, so that the three year period has lapsed during which time the appellants may have had all their stock on the range, as they may under the regulations. If the range is--overstocked as we contend, it means that it is being further depleted during this three year period.

On the other side, however, if the applicants in an area agree to the District Manager's decision, the reductions are put into force; that is, they are started, the first year's reduction and immediately at the same time we can start in with rehabilitation processes, whatever they might be--practices--reseeding, water development, fencing, and so on which will provide better management of the range so that by the expiration of the three year period when all of the reductions have been taken we should have the range pretty well improved and in a position to come back pretty rapidly.

While we recognize that there is merit to the criticism, the Congressman suggested that I talk to his Administrative Assistant about it before he wrote the letter, and I told him that our experience with appeals was that the usual time required for processing the full gamut of appeals would be over three years, and we certainly didn't feel that an appellant should be granted that grace over those who knuckled down and agreed to begin their adjustments in grazing use.

We thought that the people who went along with the administration were entitled to that much additional favorable consideration. So, the Congressman, suggested, if as a matter of fact the appeal process was completed in two years, for example, or we will say one year, it could be that they might not appeal from the examiner's decision.

In that event, the Congressman suggested that they be granted two years, then, in which to take their reductions instead of having to take the full amount at once. Now, that is the dilemma that we are in now. The Director thought, while he has his own views on the matter and I certainly have mine, he thought that it would be well to give the Council an opportunity to consider it and so he wrote a memorandum to Assistant Secretary Ernst suggesting that final approval and re-publication of the proposed amendment be deferred until after our meeting and until the problem had been put up to you.

MR. LEE: Can I ask you this; if, say, you ordered from me a duty of say 50%, or 60% and I say, "All right," or 30%, and I say, "All right, I will cut my outfit 10% and take an appeal." That would be the first leg on the three year go-around. Then, if the appeal comes in my favor, I get my 10% back. If it doesn't, I just continue on with the cut. I don't see anything in that, but what you could do it that way and then that would save holding it out and getting the whole thing in three years, and it would be a start on your part.

I was wondering if we could work it that way, if it would help. I can see what you are trying to get at, the chiseler who is probably a speculator or something and has no right in there in the first place, and he is just going to go on for three years, and if his appeal is refused he is out.

MR. KERR: What influences my thinking on the matter is the number of appeals that we have had, which I am just as convinced as can be were filed for the single purpose of postponing a reduction as long as they could.

MR. LEE: But, if I went that other route I would be all right, wouldn't I? I'd take the reduction and make the appeal, too, and then that four wouldn't apply, would it?

MR. KERR: The way it is worded now, I don't believe we could. We do provide, you see, that if no appeal is filed within a 30 day period the reduction will be made in accordance with the District Manager's decision, and no further appeal will be allowed even though the reduction may be scheduled under subparagraph 3 of this section to cover a period of time up to three years.

That is a little different circumstance, I know, but I think we'd have to reword it in order to take care of our situation.

MR. LEE: I thought that would answer the Congressman to do it that way.

MR. HAY: Well, in fairness to Floyd's question, and the questions that were raised at our State meeting after we discussed this and the proposed change, it was the unanimous thinking of the group there that in view of the fact that it has not been published in the Federal Register, and it is still open, that the State of Wyoming Advisory Board recommend that the rule be the same as we adopted at our last Council meeting.

Now, as you remember, we recommended that:

"161.6(f)(3) be changed to read as follows:

"When the district manager, after referral to the advisory board, determines that the imposition of the full amount of reduction in grazing privileges from current licensed use necessary to reach the grazing capacity of any range area will impose a serious hardship on the range users, he may refrain from imposing the full amount of the reduction forthwith and impose the same over a three year period as demanded by the circumstances of the case."

Now, our thinking is, Jerry, that with this rule--leaving it broad the way it is--if the District Manager and the Advisory Board wanted to put the cuts in on the basis as outlined in your proposal, it would be within their right to do that, and we felt that probably in the majority of cases it would be worked out similar to that, but in view of the fact that there might be other cases where you could accomplish your reduction, take care of the range, and still get the job done, that if that final discretion was left with your District Manager and with your Advisory Board probably in the great number of cases you could do a better job, and it was the recommendation of our State meeting that the proposal as sent out by your office be rejected, and that we retain the proposal that was adopted by the Council at our last year's meeting to save time, Jerry.

If they felt so, they could do what you have suggested and I think there is a lot of merit, too, but in our meeting the State Supervisor, some of the District Managers, and some of the others, none of them were agreed on how you would apply these percentages; whether it was a percentage of the cut, percentage of the total, or anything. With this proposal of ours, it takes care of the situation.

You arrive at the amount of cut. You go ahead and do it, and you can still do it on your basis, and it is the sense of our State meeting that we would like to see our rule as prepared and adopted in preference to the suggestion sent out by your office.

MR. KERR: Would you read that again please, John? I am sure that I have it here. I think I do.

MR. HAY: In our last year's minutes if you have it, we recommended that 161.6(f)(3) be changed to read as follows:

> "When the district manager, after referral to the advisory board, determines that the imposition of the full amount of reduction in grazing privileges from current licensed use necessary to reach the grazing capacity of any range area will impose a serious hardship on the range users, he may refrain from imposing the full amount of the reduction forthwith and impose the same over a three year period as demanded by the circumstances of the case."

It can work out on this very basis, but it does leave it with the Board, and with the District Manager, and I think probably over a period of years it would work out just as well and probably with less conflict.

MR. KERR: Now, John, if we did that would this number four which these attorneys and Congressman--

MR. HAY: We don't think that should be in there at all. I mean, the rule would be as I have read it, and that is with everything else practically. That last sentence in paragraph 3 would be stricken, and then (i), (ii), (iii), (iv) and (v) and paragraph 4 would all be stricken, and that would be your rule.

MR. KERR: Well, I am just wondering if 4 should be stricken.

MR. HAY: We felt so. I mean, after all, there is a conflict there.

MR. LEE: Will John fix it where you could put the whole thing in there?

MR. HAY: The Advisory Board, and the District Manager, can sit down and say, "Here's what we are going to do," and talk it over with the licensee or permittee and say here's the places; we are going to submit it to you and you are not prohibited from doing these things.

MR. KERR: This wording in 4 is the instruction to the District Manager which sets out the procedure that he will follow in putting the reduction into effect.

MR. HAY: We feel that that is amply taken care of in the other sections there where it says,

> "The District Manager may refrain from imposing the full amount of the reduction forthwith, and impose the same over a three year period as demanded by the circumstances of the case."

MR. KERR: That is that part of it. Now, this is the part, though, in 4:

> "The district manager will notify each effected licensee or permittee by certified mail of his decision to make a reduction in grazing privileges to reach the grazing capacity of any Federal range area and of the manner in which the reduction is to be made."

Now, that is not in conflict with what you suggest.

> "The district manager's decision notice will allow 30 days from receipt thereof in which to file any desired appeal in accordance with 161.10 of this part. If no appeal is filed within the 30-day period, the reduction will be made in accordance with the district manager's decision * * * *" and so on.

MR. HAY: That is all right, that is a small detail.

MR. KERR: That is what I meant.

MR. HAY: If you wanted to add that, it doesn't alter the sense of it a bit. But, it still gives the District Manager and the Advisory Board the necessary authority regarding the licensee or permittee regarding refraining from imposing the full amount of the reduction, and I think the more we can do that the more appeals we can eliminate. We can get the thing running the way it ought to be.

I think our goal ought to be to get the job done, and eliminate these appeals as much as we can.

MR. KERR: There was our feeling that with this provision for the extension of our reductions over a period of time instead of the full amount as it always has been, that that should be decided and I am going to mention one thing now that I didn't mention yesterday in connection with that appeal, John. I don't recall the numbers that were involved, but I think as I recall there was a minor number--5 or 6 or 7--who appealed from a District Manager's decision.

There were ten other users in the same unit who were affected by the same decision, who came into the hearing as interveners, and said they didn't agree with the appeal as it was taken at all. They felt that the reductions that the Manager was proposing were necessary, and they wanted to go along with it.

Now, if these reductions can be made over a period of two or three years, I think that there will be more of a tendency on the part of the stockmen to take it rather than to appeal.

MR. HAY: That is our thinking.

MR. KERR: And certainly if we can start in with our rehabilitation program in that first year, I think we have gone a long ways toward getting the rehabilitation job done.

MR. HAY: Of course, under our rule, your District Manager and your Advisory Board could work it out on this same basis. They could take 50% the first year, and then 25% the last two years, or anything they decide and we think that the job can be accomplished better if you keep it as flexible as you possibly can.

MR. KERR: Now, do you feel about it--excuse me, Frank--how do you feel about the last part of this Section 4 which provides that if an appeal is taken--

MR. HAY: Well, I mean, I think if you wanted to establish that the licensee or permittee has the right of appeal, I feel like that attorney that there shouldn't be any strings attached to it. I yield to the Judge.

MR. HUGHS: What John, I assume, has in mind is if you use the language of the resolution last year, your Advisory Board and your District Manager have got a leverage; they can say to this boy, "You have got to be reduced 33%. If you will agree with us, we will make that reduction over a three year period, 11% a year. If you don't agree, why, there is nothing we can do about it but go ahead and put the whole reduction in."

That was the argument we used, and could have got by with in the Paradox Valley case, and that is what John has in mind and I think it is a good procedure. There is one thing you haven't discussed. If this reduction applies, reduction order, applies to a unit used jointly, and one wants to appeal. They ought to ask everybody to remain in abeyance until that appeal is decided, as I understand it.

MR. KERR: That is right.

MR. HUGHS: That hasn't been discussed, and I want to call it to your attention.

MR. KERR: That is a part of that Section 4.

MR. HUGHS: All he wants, if I understand what John is getting at, is he wants it left just like we had it last year in the resolution, and then let your District Manager and his Advisory Board fight it out with the permittees, or the permittees that have to take this reduction, and in all probability if no arrangement is arrived at, if the boys say, "We are going to appeal," I'd say, "Okay, Mister, that is the way you want it. We will have to make this order for 33% right now," then if they don't appeal or lose the appeal you can come back yet and argue with the District Manager and the Advisory Board that even though they did that it is still going to be a hardship.

They will fall for it, or maybe they won't, but it gives you a bargaining power at the low level that this really doesn't do. That is what you had in mind?

MR. HAY: That is our thinking.

MR. O'CONNELL: I think he should be sitting in on the decision of the Board, and the District Manager, so that we can argue with the man while he is sitting right there. But, if you send him a letter, Jerry, he never forgets it because he hasn't had a chance to answer. I think the man should always be present.

Any man, where his privileges are in jeopardy, should be sitting right in there and be able to state his case.

MR. KERR: Well, of course, Frank, I think more and more we are working out these problems in just exactly that way. This is a group of users of a unit that are called into a meeting with the Advisory Board, and the District Manager may meet with them first with only two or three of the Advisory Board members present, those coming from that immediate vicinity, but then when the final answer is to be given they get the group in before the Advisory Board and I think there is a lot of merit to what you say.

I think, however, that we are confronted with a requirement that in order to make our District Manager's decision valid that we back up whatever decision he gives them in person, and orally, followed up with a written decision. It wouldn't be any different. It would be the same decision.

MR. O'CONNELL: That is true, but I think John has covered that. I don't know whether the Judge will agree with me on this, but it has been my impression over the years that the simpler any regulations or laws were, that nobody could break it, if it is stated in simple English which John's resolution does. Everybody understands it.

The lawyers can't put any other interpretation on it, because it is stated there clearly. You are giving your Board and your Manager a lot more authority than when you add Section 4, because you are complicating the whole procedure. We have found that the man sitting right across the table, and he knows the reason why the Board is making the decision, it is a lot easier to convince him.

MR. KERR: Certainly, if there is a minor number who might be considering an appeal and they see that the majority are going to not appeal but accept the decision, the recommendation, of the Advisory Board and the decision of the District Manager, they are more likely to go along with the group. That is true, too, I think.

Well, may I sum this up, that it is the consensus of the Council that the provision which would require if an appeal is taken, the imposition of the full reduction at the time that the appeal process is completed--did I leave an unfinished sentence there?

MR. HAY: Jerry, that isn't quite what you want to say. When the district manager, after referral to the advisory board, determines that the imposition of the full amount of reduction in grazing privileges from current licensed use necessary to reach the grazing capacity of any range area will impose a serious hardship on the range users, he may refrain from imposing the full amount of the reduction forthwith and impose the same over a three year period as demanded by the circumstances of the case.

You are going to be in a strong position. You have the permittee and licensee, like Frank said, before the Board and the users are trying to do the best they can and we tell a permittee that we figure we are going to have to take off so many acres, and how are we going to work it out? Over a three year period? You have that right.

MR. KERR: Well, all right now, John, that is fine and I am sympathetic to your suggestion but in the event that there are two or three out of the users in a unit who decide they are going to appeal. They don't think that the cut is necessary. Then what is going to be the action?

MR. HAY: Well, if the board wanted to they could sit down and say, "We will take 40% this year, and the last two years 20% each," and if they want to go along fine but chances are it would be voluntary and they'd go ahead and do it anyhow. I think those things can be worked out very easily right at the Advisory Board. I don't think we can solve that here.

MR. KERR: You don't feel that it is necessary to have a specific provision to take care of the situation if an appeal is filed.

MR. HAY: No, I don't, Jerry. I think that we can injure our case rather than strengthen it. I think that a good honest discussion, and a better factual understanding, with freedom of action, that you will do a much better job. I think your District Managers can do a better job.

MR. HUGHS: Do you want a vote on it, Jerry?

MR. KERR: No, that isn't necessary unless the fellows want to vote.

MR. GERBER: I think there is a point that you are actually forcing a lot of people to appeal because of the fact that you have made a determination of carrying capacity of that range throughout the year, and then in the fall of the year after their crops are over, after they haven't any opportunity to either raise any more or dispose of, say, a bunch of stuff, and you have imposed a cut on them. You are just placing them in a position that is untenable, and the only recourse they have is to appeal until they can change their situation.

If you are going to give them a notice of this, you should give them more time, that is all, and I think John's resolution--if that situation exists--you do give the applicants, the user of this range, an opportunity to get his house in order.

MR. KERR: Well, supposing we sleep on it then until tomorrow, and get a resolution out of you when you go into your executive session. Is that satisfactory?

MR. HAY: I have one thing more. You are going to go through these things piecemeal, aren't you? That is the way we took them up at our State meeting. I think, in view of the fact that Mr. Ernst was the one who signed the order regarding this, that in fairness to him that if he could be here tomorrow we will talk about that particular subject.

I think it would be a good thing for him, and a good thing for us.

MR. KERR: I'd be happy to have it work out that way.

MR. HAY: If he could get a cross section of our thinking on that, I think it would be good because he has heard the other side of it now and if he could hear our side of it I think it would be a great thing for him, and I say that not as criticism. I mean, I think it would be, in fairness to him, a good thing.

MR. GERBER: I do know, Jerry, that you are going to get appeals from the State of Oregon from people who agree thoroughly with the administration, that a cut is needed but you have placed them in a position where they don't have any other recourse.

The time element in there, which could be handled with a range manager, would take care of all that. You won't have that trouble. We don't have any.

MR. KERR: Now, there are a number of other regulations or proposed amendments you remember we considered last year, and they have been drafted and sent up to the Solicitor's office for consideration before we even submitted them to the Secretary, but they were all those that we discussed very thoroughly during our last session, and we have your views on them.

We have got the record on the discussions, and there is another revision of the Code that is in the offing. Now, I might go on to tell you that one of the things that we hoped to be able to do as soon as we get through with this rash of amendments is to rewrite the Code, or reissue it with all of the amendments in place. We will have the Code up to date.

We brought it up to date in '56, and then we have had a number of amendments since then.

MR. LEE: You don't mean rewrite it, just bring it up to date.

MR. KERR: Right. Should I go ahead with the last part of my speech, and if I do that that is the program, I think. That finishes up tomorrow's program.

MR. HUGHS: Gentlemen, there is some more of the program. Jerry says he'd just as soon take it up tomorrow morning, and Mr. Williams of the Soil Conservation District Service is here and wanted to talk to us briefly, so if there is no objection Mr. Williams you can go ahead right now.

MR. WILLIAMS: I am sorry to bring this up at this late hour of the day. I spent a lot of time working out a speech that I was going to give you, and I hope that you take time to read it when it is printed in the minutes.

(The following speech was handed to the reporter for inclusion in the record, prepared by Mr. W. A. Williams, Jr., Sante Fe, New Mexico, Chairman Public Lands Committee, National Association of Soil Conservation Districts.)

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The National Association of Soil Conservation Districts is intensely interested in the protection and improvement of the public lands being managed by the federal government in the western part of the nation.

I assume that most everyone present is aware that Soil Conservation Districts are local units of Government organized under State Law. Each District is operated by a governing body of local individuals who are elected by the land owners in the District. We are charged with the responsibility of developing annual and long-range programs of soil and water conservation on the privately-owned lands with the Districts--and with carrying forward such programs in cooperation with the individual land owners and operators.

In addition, because millions of acres of publicly-owned lands are so intimately associated with the operations of privately-owned lands--either through lease or permit arrangements--we also have a keen interest in the progress of soil and moisture work on the public lands.

Still further, we have an increasingly active interest in all aspects of water management on the public lands. The elimination of water waste on the one hand, and the improvement of water use and availability on the other, are of the most vital importance to western farmers, ranchers, and all other private interests.

While District governing bodies have an immediate responsibility to their own communities, we have always believed we had a larger responsibility to all the people of the country. The protection and orderly development of land and water--and the related resources of forests, wildlife, grass, and recreational values--benefit not only farmers and ranchers but city dwellers, sportsmen, municipalities, industries, and other non-farm interests as well.

In the United States there are more than 2,865, Soil Conservation Districts. The affairs of these Districts are managed by more than 14,000 Soil Conservation District Supervisors. We work together through our National Association of Soil Conservation Districts. I have the honor of serving as Southwestern Area Vice President of the Association for 1960, as well as Chairman of the Public Lands Committee.

As part of this statement, I would like to include our Public Lands "Statement of Policies."

PUBLIC LANDS POLICY
NATIONAL ASSOCIATION OF SOIL CONSERVATION DISTRICTS

The NASCD holds that public lands are held in trust and must be devoted to the highest possible use for the permanent good of all the people, recognizing sustained yield and multiple use of renewable natural resources as basic principles of public land use and management, and recognizing further that water rights established under state laws must be taken into full account in all planning concerned with conservation and development on public lands.

Section 1--POLICY

It is the policy of NASCD to:

A. Advocate that each acre of public land, as well as privately-owned lands, interspersed with public lands--or directly associated with public lands, be treated in accordance with its needs for protection against damage under sustained use; and that the management and development of these lands be within their scientifically-determined capabilities for use.

B. To encourage all agencies and organizations concerned with the condition and use of public lands to cooperate in the determination of principles and objectives relating to public land conservation, use and development; and to coordinate their efforts toward the solution of problems involved.

C. To urge the completion of, as rapidly as possible, the national land capability inventory on all public lands as well as on privately-owned lands; and to seek adequate funds and personnel to accomplish this.

D. To actively support and encourage conservation improvements on public lands by the users of those lands.

Section 2--ACTION

In order to implement the above POLICY the NASCD will:

A. Aid in securing adequate funds for state and federal public land-administering agencies, and for service agencies, for the conservation and related development work on public lands.

B. Urge the continuation and expansion of the program of Soil Conservation District-wide planning, by cooperative and coordinated effort of all agencies and organizations having an interest in the management and use of the public lands within the District.

C. Encourage land-user's investment on public lands for approved conservation improvements, by providing special arrangements, recognizing their preferences to the benefits resulting from such improvements.

D. Encourage the governing Boards of SCD's to organize coordinating committees composed of representatives from all agencies, organizations and users interested in the public lands to assist the Districts in the overall conservation and development programs on those lands.

E. Encourage constructive working relations with all public agencies concerned with the conservation and development of land and water resources and to assist such agencies, insofar as possible, to render more effective service to the citizens of the nation.

Soil Conservation Service

Throughout the United States, Soil Conservation Districts are furnished with technical staff help from the Soil Conservation Service, under Memoranda of Understanding with the Secretary of Agriculture. In the west, Districts also use assistance from the public land management agencies.

We must rely on the public land management agencies to provide a major source of our help in many localities of the west because our conservation problems and erosion damage occur, to a large extent, on the public lands. We need the active cooperation of the land administering agencies because, without such cooperation, our District programs cannot be effective.

Department of the Interior

In 1954, our National Association embarked on a 20-year soil and moisture program in cooperation with the Department of the Interior for treatment of watersheds on public and Indian lands under the jurisdiction of the Department of the Interior.

Then, conservation surveys and studies pointed strongly to the need for an accelerated and more dynamic soil and moisture program. Soil erosion had been greatly accelerated in many parts of the West through disturbance and destruction of the protective cover of vegetation. The process has been going on ever since.

I assume you are all aware that an estimated 50% of the public lands administered by the Bureau of Land Management are suffering from critical to severe erosion. The severe loss of soil by wind and water erosion is largely the result of depleted plant cover. This not only represents the loss of an extremely valuable upland resource but causes damage to downstream land, recreational values, fish and game, and to storage facilities for irrigation, flood control, and power development.

The 20-year program I mentioned was designed to bring about a gradual expansion of rehabilitation work to reach a recovery level. It would have continued at that level until a major part of the work was completed; then it would gradually be reduced to a maintenance level.

The objectives of the program were geared to proper use of the land, accompanied by needed rehabilitation measure to prevent further damage, and restoration of the productive potentials of the land.

The original 20-year program, however, is badly behind schedule. The funds proposed in the budget estimates for the Soil and Moisture Conservation operations of the Department of the Interior in 1961 would, for the most part, leave this program about 15 percent behind schedule.

One exception is the Soil and Moisture Conservation Program in the Bureau of Indian Affairs. This phase of the program is on schedule. On the other hand, funds for the soil and moisture conservation work of the Bureau of Land Management are substantially short. The 1961 budget estimates provide only $3,252,500 in contrast with $3,733,900 appropriated in 1960. This is a decrease of nearly 1/2 million dollars. And it is a step in the wrong direction.

The following table shows the 20-year planned program in contrast with actual operations.

	20-year Planned Program		Obligated
1956	$2,800,000		$2,738,971
1957	3,500,000		3,186,142
1958	4,200,000		3,625,060
1959	4,900,000		3,815,050
1960	5,600,000	Est.	3,733,900
1961	6,300,000	Est.	3,258,900
	$27,300,000		$20,358,023

You can readily see that the lag is about $7 million. And the planned program was figured at 1954 prices. The actual cost of doing business has gone up substantially since 1954. So, the lag is even greater than appears at first glance. When you figure the increased cost of doing business today, the Soil and Moisture Conservation Program of the Bureau of Land Management is about 40 percent behind the projected 20-year program.

The estimated area of public land administered by the Bureau of Land Management needing treatment is 147,463,000 acres. It is estimated that in fiscal year 1959, two million acres were benefited by the soil and moisture program. This fiscal year only 1.6 million acres are likely to be benefited. The 1961 budget would reduce this to 1.4 million acres in the next fiscal year.

We say again that this is going in the wrong direction. We believe it is our responsibility, as Soil Conservation District officials, to express our concern about this backward trend and ask your help in correcting it.

Senator Dennis Chavez of New Mexico has indicated a determination to revive the 20-year soil and moisture program on public lands and help secure the essential funds to put it back on schedule. Earlier this month he requested data from the Bureau of Land Management on the extent of planning and the Bureau's ability to step up the program in the event appropriations could be increased to the "20-year" level (for 1961) of from $6,300,000 to $7,000,000.

The Bureau is prepared and could use the additional funds. Here is how the soil and moisture program could be stepped up on BLM lands:

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Estimated S&M Accomplishments in F. Y. 1961 with Appropriations as follows:

Appropriated	$3,252,000 Program	$6,300,000 Program	$7,000,000 Program
Acres Benefited (Estimated)	1,403,000	2,600,000	2,900,000
Range Seeding (Acres)	76,300	150,000	165,000
Brush Control (Acres)	59,100	120,000	130,000
Fencing (Miles)	365	750	790
*Water Development (No.)	275	550	600
Detention Dams (No.)	42	80	90

*Springs, Wells, and Stock Water Reservoirs

The NASCD is undertaking to enlist all the support it can for the increased appropriations to BLM. We testified before the Senate Subcommittee on Appropriations for the Department of Interior in support of an appropriation of $6,300,000 for soil and moisture work on the public lands managed by BLM.

We are now asking, and I am confident we are getting, some effective support from western Soil Conservation Districts and other western organizations.

In addition, to Senator Chavez, we have received assurance that Senators Hayden, Bible, Anderson, Murray and others will join in the battle to provide the essential funds necessary for the protection and improvement of our vital public lands.

Unfortunately, the battle this year will have to be won in the Senate alone. The hearings before the House Subcommittee on Appropriations were scheduled so early that many of us were caught unprepared. The soil and moisture program, as a result, received far less support in the House than it should have been given.

The Izaac Walton League, and Wildlife Management Institute gave favorable testimony for the program and registered their displeasure with the proposed reduction in funds. Congressman Ben Jensen of Iowa, who has always been a loyal friend of soil and water conservation, also questioned the reduction in the item. A very few western Congressmen joined Rep. Jensen in this position but these men did not prevail. They didn't have enough support from the grass roots.

Now, however, there's a growing chance that we can muster some real grass roots strength to restore and increase the funds in the Senate. The money, let me emphasize, is the means to an end--the care and improvement of the public lands of the west. It is a national tragedy that private landowners are spending more per acre and doing a better job on their lands, on the whole, than Uncle Sam is doing on the lands under his jurisdiction.

This is not a condition that we can tolerate for many more years. Too much of the future of the West is at stake. We in the National Association of Soil Conservation Districts solicit your support in breathing life and vigor into the Interior Department's 20-year program of soil and moisture conservation. The nation needs your help.

From: Gordon K. Zimmerman
National Association of Soil
Conservation Districts

SOIL AND MOISTURE CONSERVATION

Bureau of Land Management
U. S. Department of the Interior

	1959	Estimated 1960	Estimated 1961
Total Program Obligated	$3,815,050	$3,733,900	$3,258,900

The estimated area of public land needing treatment is 147,463,000 acres. It is estimated that in 1959, 2,000,000 acres were benefited by the soil and moisture program; 1,597,000 acres benefited in 1960 and 1,403,000 acres benefited in 1961

	20-year Planned Program		Obligated
1956	$2,800,000		$2,738,971
1957	3,500,000		3,186,142
1958	4,200,000		3,625,060
1959	4,900,000		3,815,050
1960	5,600,000	Est.	3,733,900
1961	6,300,000	Est.	3,258,900
	$27,300,000		$20,358,023
Lag in program		$6,941,977	

Increased pay costs and material costs not reflected in the planned program above will put the program about 40% behind the 20-year plan.

From: Gordon K. Zimmerman
National Association of Soil
Conservation Districts

WEED CONTROL

Bureau of Land Management
U. S. Department of the Interior

	1959	Estimated 1960	 1961
Halogeton and other noxious weeds	$768,660	$666,000	$591,200
Host plant of beet-leafhopper	300,000	175,000	--
Total program Obligations	$1,068,660	$841,000	$591,200

Approximately 8,000,000 acres of public lands administered by the Bureau of Land Management and 2,750,000 acres of private lands are infested with halogeton. In addition about 300,000 acres of public lands in Southern Idaho is infested by the host plant of the beet leafhopper.

Control of these plants will be a continuing problem since areas of new infestation are continually being identified by range surveys and inspections.

Following are accomplishments in fiscal year 1959 and estimated accomplishments in fiscal year 1960 and 1961:

	1959	1960	1961
Seeding (acres)	79,350	60,000	30,000
Fencing (miles)	216	160	110
Chemical treatment (acres)	14,868	14,000	12,000
Water spreading (acres)	50	600	--
Contour furrowing (acres)	2,800	1,000	3,000

MR. WILLIAMS: Since it is so late, I think I will just talk with you a few minutes about what you might be doing tomorrow. I understand that you are perturbed, as we are. I am Chairman of the Public Lands Committee of the National Association of Soil Conservation Districts, and I understand from what has been going on here you are quite perturbed about the appropriations for your S&M program and your wheat control program.

I have been here close to two weeks going over this thing with the people in the Department, and people on the Hill, and through correspondence and so forth, and Senator Chavez asked for some information to be sent by BLM to him, and I have copies of this information which he received. He is asking by the way, and supporting, an appropriation of $6,300,000 to $7,000,000 for S&M work on BLM which is considerably more than $3,252,000 or whatever it happens to be. This is next year.

Now, this 20-year program that I am speaking of, I don't know how many of you are acquainted with it. It was worked out with--the preliminary part of it was arranged for at a meeting of the National Association of Soil Conservation Districts meeting in New Orleans in 19 and 54, and here's a copy of the proposed 20-year program as it is broken down to the different Bureaus.

Now, the Indian Service has been treated very favorably in their appropriations, and I understand that their 20-year program is near normal. However, BLM's program is back right now about $7 million, and that doesn't take into consideration the extra cost of doing business today over what it was in 1954 when this was proposed.

In 1956, which was the first year this program was activated, the funds were appropriated very close to what was called for in the 20-year program. However, getting down to last year, 1959, there was a request or proposal in the 20-year program for $4 million 900-odd thousand and there was only an appropriation of $3,815,000 but this is not the sad part of the picture at all.

The way it appears to us, in 1960, which is this year there was a proposal of having $5,600,000 available for this program, and there was only $3,733,000 which is a cut from '59, and in '61 the proposal was for $6,300,000, and the House appropriation--approved appropriation from the Committee--is $3,258,900. Now, that is a further cut from last year, and still another cut from 1959.

Instead of going up the way the 20-year program called for, it is going down. Now, we have written to the Western Soil Conservation District. We have telephoned them, and we have a great deal of support coming in from out West right now for an appropriation of $6,300,000 which is the amount requested on the 20-year program on '54 prices and we feel it is not out of line.

We have talked with a good many Senators on the Hill who are willing to carry the ball for that amount or more. At least they have indicated that they are very interested in doing so. We have talked with Anderson; we have talked with Murray, from the Interior Committee, and on the Appropriations Committee we have talked with Hayden and Chavez and Bible, and we have talked with other Western Senators, and I think they are all in favor of attempting to get this amount of money up materially.

I am sorry I don't have enough of this material on the 20-year program to pass around to you people, but I can leave a copy of all of the material that I have available if you would like to have it.

I'd be glad to answer any questions if you have any that you'd like to ask. I have a copy of the material on the 20-year program. It is dated back to July 23, 1954, which I would like to leave for your reference. I have a copy of these tables which is the 20-year program for BLM; the wheat program for BLM, and incidentally we are asking for a million dollar appropriation instead of the appropriation of $591,000 as proposed by the House.

We also have a list here of what could be done with this money if the extra money were made available. It shows, here, in these tables that in 1959 there was two million acres treated in the West. This year there is supposed to be somewhere in the neighborhood of a million six hundred thousand acres treated, which is a step in the wrong direction, and next year with the funds available it will cut it again to a million four hundred thousand acres.

So, we are going backward instead of front-wards, and I have these also if you would like to have them.

MR. STRINGHAM: I have one question, please, what is this 480,000 I am talking about; do you know?

MR. WILLIAMS: The 480,000 is a cut from last year. The 6,300,000 is what is proposed under 20-year program and I don't believe we'd be out of line to ask for that amount of money, and it can be well spent. You see, if there was extra money made, why, instead of cutting from a million six hundred thousand acres treated last year it would be an increase to 2,600,000 acres treated this coming year.

MR. STRINGHAM: You are talking about weeds, now.

MR. WILLIAMS: I am talking about the S&M program. Weeds is another program.

MR. FAULKNER: Soil and moisture, not the soil conservation.

MR. WILLIAMS: No, sir this is on BLM land.

MR. FAULKNER: I thought you were with the Soil Conservation, I am a little bit mixed up.

MR. WILLIAMS: Our work is so closely tied with public land problems in the West, it is impossible to divide it. Now, that is what my speech is about, and I hope you read it. I think maybe it will clear up where we fit in this picture. Where you can--

MR. FAULKNER: Soil conservation in our District helps people with their farm problems more.

MR. WILLIAMS: Yes, but we have a public land problem that we are all faced with, and the care and use of the public lands is extremely important to the care of private lands.

MR. HORN: This is all Bureau Land Management.

MR. FAULKNER: I thought he was in the soil conservation and was talking about soil conservation.

MR. HORN: He is a rancher, and he isn't in the Service.

MR. WILLIAMS: I am not a paid official. I am not a bureaucrat. I am just a farmer and just the same as you fellows. In other words, I can stand up here and say whatever I damn please, and nobody can do much about it.

These fellows from BLM, I understand, have definite orders to keep their mouth shut and they are doing a damn good job of it. I hope that you will take advantage of this material tomorrow when you go up on the Hill. I think that if we can all ask for the same thing, it will do--we can get a lot further than if you go up and ask for $480,000 and we go up and ask for a $3 million increase, and that is what we are asking for.

MR. STRINGHAM: Now, it is confusing. We want to do the thing that is important now, this year. We don't want to spend our efforts on a 20-year program because this is vital to us this year.

MR. WILLIAMS: Frankly, gentlemen, we have a lot of support right now from Western people who are the same people that you are representing, asking for at least 6,300,000 dollar appropriation for soil and moisture programs for the Bureau of Land Management.

MR. STRINGHAM: Twenty years, now?

MR. WILLIAMS: No, sir, that is this next year--1961.

MR. BROWNFIELD: That would be--

MR. WILLIAMS: That would be all spent by BLM. Gentlemen, if you are confused as to the difference between soil conservation districts and the .

Bureau of Land Management and the Soil Conservation Service, and the rest of these organizations, perhaps I might bring out that Soil Conservation Districts especially in the West use the assistance of the Bureau of Land Management, the Forest Service, and all of these other people in a very similar way.

They use the assistance of soil and conservation personnel who are assigned to work directly with Soil Conservation Districts.

MR. STRINGHAM: I am concerned about this $480,000 that we are told about. Now, that is--

MR. WILLIAMS: That is a cut from last year's appropriation for the BLM-S&M program.

MR. STRINGHAM: Don't bring us in on this soil conservation now, because we have nothing to do with that.

MR. WILLIAMS: I am not talking about soil conservation. I am talking about soil conservation for the Bureau of Land Management.

MR. GERBER: May I ask you if that appropriation of $6,300,000 that you are going to ask for is that as it was set up originally, is that what we were supposed to get this year?

MR. WILLIAMS: According to the 20-year program this year, that is in the asking for additions because of increase cost or anything else.

MR. STRINGHAM: What did they get?

MR. WILLIAMS: $3,258,900--200,000 less than you got last year and $200,000 less from last year than the year before, or from this year to last year.

MR. FAULKNER: You say on your 20-year program, we were set up to get so much. Now, who set the 20-year program up?

MR. WILLIAMS: The Department of Interior, and it was approved by the Department, and it has been up on the Hill. Now, whether it was ever approved up on the Hill or not, I don't know, but this is your program as well as it is ours and perhaps a good deal more so, because you are using this land.

MR. STRINGHAM: I don't want to appear ridiculous, but why now come in and say, "Now, you come and ask for this 6 million," when we will be tickled to death if we can get this 480,000.

MR. WILLIAMS: Ordinarily when you ask for a 3 million increase, after it gets this late in the day, you don't get the $3 million increase. You maybe get a million dollar increase. That is just my own thinking.

MR. STRINGHAM: Still, you were only reduced 480,000.

MR. WILLIAMS: Reduced 480,000 from last year, and there is a great increase in cost because of the great improvement, and other things that these boys have been telling you about. So, your actual decrease is more than your 480,000--I am convinced of that, considerably more. It is going to cost you more this year to do business than it did last year.

In other words, last year, you got treatment on a million six hundred thousand acres. The year before, you got treatment on two million acres, and next year according to the estimate you will get treatment on approximately a million four hundred thousand acres. That is going downhill instead of progressing.

Now, I think that if we could all ask for the same thing instead of some of us asking for 480,000 dollars increase, and some of us for a $3 million increase, that we would get further.

MR. STRINGHAM: I disagree with you, very much so.

MR. WILLIAMS: We are going to the same people.

MR. STRINGHAM: You spoiled my little deal, now. You get these men all mixed up and they don't know what they want, and I think you should let us go up for this reduction this year.

MR. WILLIAMS: Another thing I'd certainly recommend is that you get after the Department, here, the Department of Interior, and the Secretary anyway, by next August--this August--on your desires as to what you need for next year for 1962, because that is when the budget is starting to really roll up here.

We have no support from the fellows out in the West on this S&M appropriation is the reason we are not getting it. Other people are getting it instead, because they have support from people who are interested.

MR. HUGHS: Any more questions of Mr. Williams? Thank you very much for coming around, Mr. Williams. It isn't your fault if we couldn't understand all of this.

Gentlemen, we haven't finished with Mr. Kerr yet. I suggest that we had better meet at 9:00 in the morning.

MR. ETCHART: I vote we meet at 9:00 in the morning.

MR. HUGHS: All in favor say aye.

(There was a chorus of ayes.)

(Whereupon the conference adjourned at 5:30 o'clock, p.m., Wednesday, February 24, 1960 to reconvene at 9:00 o'clock, a.m., Thursday, February 25, 1960.)

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

- - -

TWENTIETH ANNUAL MEETING

NATIONAL ADVISORY BOARD COUNCIL

- - -

Room 5160
Dept. of the Interior Bldg.,
Thursday, February 25, 1960
Washington, D. C.

The meeting reconvened at 9:00 o'clock, Mr. Dan Hughes presiding.

MR. HUGHES: All right, gentlemen, let's come to order.

While we are waiting for Jerry, we will see if we can move along and get something done. I would suggest that, if there are any set forms of resolutions, you have in mind, that you give them or read them to the group now, so they can be thinking about them a little.

John, do you have some resolutions down there?

Mr. HAY: Judge, at our state meeting we went through the changes. I think Jerry should be here in fairness to him.

MR. KIDD: I have some I will read. I have seven.

MR. HUGHES: Do you have copies for the reporter?

MR. KIDD: Yes.

MR. STRINGHAM: May I ask you, as chairman, if you are going to allow us to read all these now or wait until our executive session, when we can act on them immediately after we read them.

MR. HUGHES: We were just killing a little time. If we could start, we will have to stop when Jerry gets here. I will appreciate it, but there is nothing else to do, Mr. Mayor.

Go ahead and read them.

MR. KIDD: The first one is that wildlife members to advisory boards should be selected under present provisions of the Federal Range Code and they should be selected regardless of occupation.

MR. HUGHES: The first one was disposed of yesterday.

MR. KIDD: Yes, that was disposed of. Also No. 2: That consideration be given to having one wildlife representative from each grazing district as members of the State advisory boards.

MR. HUGHES: Yes.

MR. KIDD: No. 3: That one wildlife member from each State be selected as a representative to the National Advisory Board Council.

MR. HUGHES: On your No. 3, the discussion yesterday was that that would have to be taken up with the Director here before we would know whether they were willing to pay the expenses. These wildlife people would want their expenses paid, wouldn't they?

MR. KIDD: Yes, I think so, Mr. Chairman. When this is explained, I don't think there will be much more expenses.

MR. LEE: Mr. Chairman, New Mexico would oppose that sort of a resolution, very much. We are very much for the game and the game should be. The law was passed for the stabilization of the livestock industry and we think that we have gone along quite a way now in getting wildlife members up from the districts here, which wasn't in the original act, for many years we went on, and it is working very well at the present level. We would oppose any change in arrangements for a while until we can see that there is need for more.

MR. HUGHES: We had just as well dispose of it now while we are on it. If someone wants to second the resolution on wildlife membership from each state, do so. We will open it for discussion.

[The motion was duly seconded.]

MR. HUGHES: It is seconded, and now it is open for discussion.

Mr. Lee has the floor.

MR. LEE: I would oppose it very strongly. You would unbalance the board. The wildlife people are of a great deal of help and have been of a great deal of help. As I stated before, the wildlife members originally weren't here and we voluntarily put them up in districts, brought them up from the local level up to the national level and so far it has been working very well. After a few years now to start doing that, I think would be foolish. I think we can work it better by area groups, because your wildlife problem is so entirely different in New Mexico than it is in Montana or it is in other areas. I think it should be worked out in the areas.

MR. HUGHES: Are there any further remarks?

MR. KIDD: Mr. Chairman.

MR. HUGHES: Yes.

MR. KIDD: Different states are represented, get a representation each for four. I am from Idaho and it is pretty hard for me to represent Arizona. The Utah delegate feels that they don't get any representation and they feel that the representatives from Utah thinks they should have a wildlife representative come to the National each year, because the game is big business in the State of Utah.

They think that either the cattle or the sheep, they don't see both of them, they see one of them, they don't feel they will outnumber the game people, because the game people have a representative and there is a sheep representative.

I might explain a little bit about the expense. If they send a wildlife representative to the National, they won't hold the area meeting, which will, in turn, be a saving. And there are already three coming, so that would be about six more, I think.

MR. HUGHES: It would mean that the wildlife representation would constitute half of the Council, if your motion would be adopted.

MR. KIDD: Yes. You still have two-thirds majority.

MR. HUGHES: No, you don't. You have half.

MR. HUGHES: Are there any further remarks on the motion? If not, I will call for a vote on the motion. All in favor say "aye"; opposed "no." The motion is lost. Read the next one.

MR. KIDD: I want to assure you on this one that this won't be the end of it.

No. 4: Whereas, the Desert Land Act of 1877 can prove beneficial to the State of Nevada if used as intended, but whereas most entrymen have destroyed the native vegetation before they have drilled a well and found water, thereby leaving the soil highly susceptible to serious erosion and invasion by halogeton, a poisonous weed that has invaded about 6 million acres of land in the State and caused thousands of deaths to sheep and cattle. In addition the valuable forage and browse plants that feed livestock and wildlife are destroyed for many years to come; now, therefore, be it

RESOLVED, That this act should be amended to prohibit an applicant or entryman from destroying the native vegetation, and disturbing the soil before he has proven that he has adequate water supply.

This came from Nevada.

MR. HUGHES: Do the members understand the resolution you have before you?

MR. LEE: Didn't Jerry tell us that that was what their ruling was? Isn't that what they turned the land down on in California? Isn't that the same thing?

MR. HUGHES: No, it is not my understanding. The man makes a desert land entry. When the entry is allowed, of course, he is permitted to go into possession at present, and it is my understanding, can start getting ready to farm.

MR. LEE: What did you turn those things down on in California, on what basis?

MR. KERR: The filings were on extensive areas where information showed that no water was available for irrigation.

MR. LEE: Is that what you are trying to get at or the destruction is what you are trying to get at?

MR. KIDD: I think that this resolution is very clear and I would be asked not to elaborate on it too much, because I represent another state which I can't do a very good job of. I am doing the best I can. You will have to take what is in the resolution.

MR. BROWNFIELD: You are asking that the Taylor Grazing Act be amended.

MR. KIDD: We are asking that the Land Act be amended.

MR. BROWNFIELD: Your resolution pertains to filings under the Taylor Grazing Act with 320 acres and your desert homestead entry of 160 comes under a different act. The Bureau policy is: If you apply for 320 under the Taylor Act, the land must be classified suitable for agriculture and you must prove you have a sufficient amount of water to irrigate a certain number of acres before it is allowed and you have what I would say is an implication in your resolution, and it is not needed so far as the BLM is concerned, applicable to 320 acres filings, and we would hate to see the Taylor Act opened up for amendments, for that reason I would oppose it, and then, so far as the 160 desert land entry, I don't think it is necessary, because you must develop your water and apply it to beneficial use before you get the land. You have what you are asking for under that act.

MR. HUGHES: I think the resolution goes to this: He is talking about the 320-acres entry land; is that correct? Isn't that correct?

MR. KIDD: Yes.

MR. HUGHES: Now, if I understand the law correctly, once an entry is allowed, the entryman can proceed to get his land in shape for cultivation, plow it, do whatever he needs. Jerry can correct me if I am wrong, and when he gets his water, he can apply it on the land. The resolution goes to the proposition that the land laws, not the Taylor Grazing Act, would be amended to provide that adequate water must be available. I don't know. I assume in the opinion of the Land Office, before he can disturb the surface. I would make this suggestion. If I understand the present procedure right, they must find that adequate water will be available before the entry is allowed; is that correct, Jerry?

MR. LEE: That is the point.

MR. KERR: The entry may be allowed in advance of the determination of the availability of water.

MR. HUGHES: Okay.

MR. KERR: There have been in some states, not in all states, but in some states, provision is made for the issuance of special land use permit to an applicant for a desert entry, which authorizes him to endeavor to develop the necessary water supply for irrigation purposes, and he is not under that provision, his entry isn't allowed until after water is developed, and he is not permitted to make any land improvements or do anything to start cultivation or anything of that sort on the land until such time as his efforts to obtain water have either been successful or not.

MR. HUGHES: But the entry can be and at least normally is allowed and then the entryman is given the opportunity of developing water and during that period he would be permitted to disturb the soil.

MR. KERR: Oh, Yes.

MR. HUGHES: That is what this resolution goes to. I assume that is correct.

MR. KIDD: That is correct.

MR. HUGHES: Do the members understand the resolution now? It applies to desert land entries. If somebody can get the law changed in Congress, the desert land entryman would not be permitted to disturb the soil until he had developed an adequate supply of water in the opinion of BLM.

MR. NIELSON: Maybe I am the only one confused here. The present Desert Land Law requires that a man must have an adequate water supply before his entry is allowed. However, some of these applicants come in and say they can get water from artesan wells or ground water by the development of wells. In such instances, we have allowed what we have called special use permits to give them an opportunity to demonstrate whether they can develop an underground water supply. During that time their entry is still not allowed, nor can they go on the land and cultivate it until it is allowed.

One of the requirements under the Desert Land Act is that the applicant must show that he can provide an adequate and dependable water supply before the entry is allowed.

MR. HUGHES: All right, with that explanation, are you ready to vote on the resolution?

MR. FAULKNER: If what this gentleman says is true, why vote on it?

MR. HUGHES: He is entitled to have it voted on. All in favor of the resolution say "aye"; opposed "no." All in favor stand. That is five as I count them. All opposed stand. The motion is lost. We will now go to Mr. Kerr.

MR. KERR: This time I have a fairly good excuse for not being present on time. I was endeavoring to get in touch with Congressman Don Short to invite him to come up to our meeting. This is Don Short from North Dakota. He is a friend of many of you cattlemen, especially. He knows some of the sheepmen, too. He would have liked very much to come up this morning and meet with you, but he was unable to do so because of the business in the House of committees that he is concerned with.

This is the last subject on our regular program.

MR. LEE: Jerry, could I interrupt you there? Wouldn't it be a good thing to tell the sheepmen that are on this board and some of the cattlemen that Don Short is very much interested in stopping this importation of live animals into the United States, and it would be a good thing for them to contact him tomorrow when they are up on the Hill to talk to them about that problem. He is a livestockman, as most of you know.

MR. KERR: I think he is mostly concerned, Judge, in talking with him, whether there is adequate attention being given to the problem by the livestock people and whether there is knowledge in Congress of their wishes.

MR. LEE: Yes. I think the people here who are interested in that problem ought to go see him.

MR. KERR: This paper of mine this morning covers miscellaneous operations and problems of the Bureau. One of them is grazing fees. You have been advised that there is no change in the grazing fee for 1960. This decision was based on the reports furnished to the Bureau by the Agricultural Marketing Administration, which showed that the average price received by the growers in 1959 for cattle and calves was $23.20 a hundred, and $19.60 a hundred pounds was received for lambs. The average of those two would be $20.80, or 20.8 cents. Our present fee is 22 cents. The formula under which we operate, as you all recall, provides that no change will be made in the fee unless the change is going to be 2 cents up or down. Since the change would be only 1.2 cents, the current fee of 22 cents is retained for 1960.

On the LU lands in Montana the fee this year is increased from 39 cents a cow-month to 60 cents a cow-month. A fifth of that, or 12 cents, is charged per sheep-month, and 1-1/2 times or 90 cents is charged for horses per horse-month. That fee on the LU lands that were transferred in 1956 or '58, to the Interior Department from Agriculture, provides that the fees currently being charged by the Forest Service will be continued.

The fees on the LU lands, starting back when Soil Conservation Service was administering the lands, was based on a Forest Service formula, and we are continuing under that same basis, and that is the basis for the fee of 60 cents a cow-month, and so on.

In the Montana district that is the fee this year.

Down in the Southwest, New Mexico, the projects there, the fee is 28 cents a cow-month and a fifth of that for a sheep-month and 1-1/2 times for a horse-month.

There is another aspect to fees that I am sure you will be interested in. There was a suggestion, I believe, the Comptroller General made to the Congress that consideration be given to the grazing fees being charged by the various federal agencies. The is quite a disparity of difference in the amount charged. The Comptroller feels apparently that even the higher fee charged by the Forest Service and others is still not high enough, that it should be nearer the commercial value of the forage. The suggestion has been made that a joint study by the federal agencies concerned be undertaken. That is under consideration at the present time. There has been correspondence between Mr. Aspinall, Chairman of the House Interior and Insular Affairs Committee, to the

Departments of Agriculture and the Interior, with respect to their views on attempting such a joint study. There is no conclusion to it as yet.

MR. LEE: Jerry, undoubtedly, they are going to force a joint study and when that does come up, I think your Department should take into consideration the differences in the forage areas that are grazed. For instance, under the Taylor land in New Mexico, it would be about 40 acres for one animal unit and up to north in the forests where your rain is so much more, it would be about 10 or 12 acres. In other words, you are having the animal have to go four times the distance to get the forage. So there is a differential there in the value and I don't think your Congressmen know or understand where the rainfall is greater, the animal to get the forage doesn't have to cover so much distance and is worth more to him because he doesn't have to walk his strength off to pick up the feed where it is close together.

When you do make that study, that angle should be made clear and played up. Most of the Taylor land is by far of less grazing capacity than the forest lands.

MR. KERR: I am sure you are right, Mr. Lee. There is a general misapprehension of the character of the grazing lands administered by the two agencies. Generally the lands are described as of the same character.

MR. LEE: Yes.

MR. KERR: So often they just make that statement when we know that the amount of precipitation, annual precipitation and seasonal precipation, does have a decided effect on the productivity of the lands administered by the two agencies.

MR. ESPLIN: I think they should take into consideration, too, in our area, you don't have to have a substantial investment to use the forest, but in order to use the BLM lands we have had to invest thousands of dollars to make it possible to use that land, in water development principally, so our investment in our area is at least ten times as much to qualify the BLM land as it is for those people who use the Forest land.

MR. KERR: One of the difficulties that we experienced over the years is the handling of stock driveways, withdrawals that were made under the old Stock Grazing Act of 1916, Section 10 of that Act.

About the time that the act was passed there were large numbers of withdrawals made for driveway purposes. Many of those withdrawals have been very useful and continue to be necessary for the use of stockmen moving their livestock from one area of range to another. However, there are many other withdrawals which either had no value for driveway purposes in the first instance or because of changing livestock practices, and so on, the driveways are of very little or no use at the present time.

We do have a few outstanding driveways. The Magdalena Driveway in New Mexico is an example. There are other driveways which lead from lower country down around Caspar Wyoming and on up to the Big Horn Mountains. Those driveways are all used extensively and it is doubtful if the time ever will come when there won't be need for those driveways. It is the Bureaus plan in managing these driveways, to enter into cooperative agreements with livestock associations who have present concern with a particular driveway. We have an agreement with the Natrona County Wool Growers Association of Wyoming. We have the agreement with the Magdalena Driveway Association in New Mexico. And I believe that the administration of the driveways is working out in very good shape.

There has been some question by the Department as to the propriety or the legality of one or two of the provisions in the agreement between the Magdalena Driveway Association and the Bureau. So far there hasn't been any demand made for our revising those sections, but that may come about. If those driveways which are not of value should be revoked (and that is something that is taken care of at the local level between the district manager, the advisory board and local stockmen), if an area is withdrawn for driveway purposes and has no use for that, it should be lifted from the withdrawal and apportioned among the qualified applicants for grazing use.

MR. HUGHES: We have with us several representatives from the Hill, as it is called now, and I am now going to ask our Director to introduce these gentlemen who we would hope will have something to say to us.

Ed, will you take over?

MR. WOOZLEY: Thank you very much.

I know one of the high points of your visit back here for you advisory board members is to have the Congressmen and Senators and representatives from our Congress come over and visit us, listen to all the discussion that they have time for and to have them introduced to you gentlemen, and we hope to discuss some of the problems we have with you and it is a great pleasure today to be able to introduce, first, my own Senator from the State of Idaho, Senator Dworshak, Senator Henry Dworshak, who is with us. He is a very busy man.

Senator Dworshak is with us and we would like to introduce him to you. Senator, if you have anything to say, we would like to have you say it. [Applause]

SENATOR DWORSHAK: Thank you, Ed.

I consider this somewhat of an intrusion on your busy calendar, but recalling that I have had the pleasure and privilege of coming down here and meeting with you for many years, I though I would drop in this morning before I have to return to the Hill and attend a hearing on our $41 billion budget. I don't like to be away from that because we have many controversial matters, probably not of any greater significance or consequence than those which confront you as representatives of your respective states and groups. I don't know that I have any particular message for you except to assure you that members of Congress from the Western states are fully aware of the many problems which confront the users of the public domain.

I happen to serve on committees dealing directly with these problems. For instance, the appropriations subcommittee which pass annually on the budgets. Now may I say a word in defense of Ed Woozley, with whom I have been acquainted for many years. I know that he submits budget recommendations to the Budget Director of his Department, which are not approved, and then those requests do not come to Capitol Hill. I have ways of knowing what the needs are for the various services and in Idaho particularly, and in all of the Western States. And I can assure you that there is a general inclination to cooperate in every way with the various groups like yours in the public lands states.

I know frequently that you are discouraged or disappointed that you do not get the recognition that you think you are entitled to, for instance, in the way of appropriations, and then the approval of some of the proposals and policies which you originate.

Now, I can't expect to speak for the agencies here as to their attitude or reaction in these various regards, but I can say that, if you will let the representatives on Capitol Hill know what your programs are and what you would like to have done, if they are logical and within reason, I am sure that they will receive maximum cooperation, and I think under such procedure, we will make the best possible progress and get the results which are desired by all of the people in the Western states and with that brief message, may I say to you that it is a pleasure to visit with my representatives from Idaho and to assure all of you that, if you will give us an opportunity on Capitol Hill to know more about your problems, I am sure you will get greater cooperation and achieve greater success. [Applause]

MR. HUGHES: Senator, we certainly appreciate your being here with us.

MR. WOOZLEY: We have with us Lee Walker from the office of Senator Cannon from Nevada. Would you like to say something?

MR. WALKER: Just that I appreciate the opportunity to be here with you.

MR. WOOZLEY: We are glad you are. Tell the Senator we appreciate his interest in having you with us.

We have a representative of the Senate Interior Committee. I don't know how many people Bob Wolfe is representing, but Bob is here representing some Senators from the Interior and Insular Affairs Committee.

Bob, would you tell us how many you are representing and if you have anything to say?

MR. WOLFE: I appreciate being here this year. I am representing Senator James Murray, Senator Mike Mansfield, Senator Richard Neuberger and Lee Metcalf, Congressman from Montana, who asked me also to give him a report on what went on today.

MR. WOOZLEY: Thanks for being here today, and tell them we are glad to have you. It is tough when he comes to the banquet and represents six or eight people. He sort of over-eats.

We are also pleased to have with us today Congressman King from Utah. I think many of you know Congressman King, and you certainly knew his father. We are always glad to have him come over with us. He is very interested in the Western resources, and we would like to introduce at this time Congressman King from Utah. [Applause]

CONGRESSMAN KING: Gentlemen, it is said in politics when you are right, no one remembers and when you are wrong, no one forgets. This is a complex field, land management. These are problems about which I have much to learn. I am vitally interested in your problems. I have come here today to get a briefing. I am all ears. So I guess the safest thing for me to do at this time would be simply to say that I associate myself with the remarks of the distinguished Senator from Idaho. Thank you. [Applause]

MR. WOOZLEY: Thanks. We hope you can sit in with us through the remainder of the morning session. We have with us, too, another gentleman who is interested in western industry and western agriculture and livestock. That is Congressman Keith Thompson from the State of Wyoming. Keith has been with us, I think, four or five years. We are always glad to have him, and we would like to have a word from you, Keith. [Applause]

CONGRESSMAN THOMPSON: Thank you, Ed.

It is always a pleasure to come down to this meeting. I wish I could spend more time with you today, but I have some other responsibilities on the Defense subcommittee as far as appropriations are concerned, and will have to be leaving to go up there. In fact, speaking of responsibilities, that is one of our principal concerns, is how you try, sixteen of us, to give some degree of supervision in the interest of the taxpayer, in the interest of the security of all the people of this country, to the expenditures of $41 billion. I have never come up yet with how much a billion is, let alone $41 billion.

I don't want to alarm you by paraphernalia here. I brought this along to hold it up and show it to you. It has been my pleasure for the past two years to serve on the appropriation committee of the House and on the Interior Subcommittee, which has, among its other responsibilities, appropriations for BLM and all other agencies of the Interior Department except the Bureau of Reclamation, as well as Forest Service and related agencies. The only reason I do this is that, as far as I know, the most capsuled form explanation of what the Department is doing, what it wants to do, and what it is going to do with the money and what the program will do by way of affecting you and some pretty intense questioning on it, and it has been and has to be intense, because we can only allow four hours to the Department's witnesses. But there is a lot of homework that goes on with respect to what goes on at these hearings.

I don't know how many of you ever get those, but revenue bills must originate in the House. That includes both expenditure, appropriation bills, and tax bills. So on the House side we tend to go through the whole program to a greater degree than they have to on the Senate side.

If you do not get them and members of this advisory board would like to have them, if you will contact my office, I will see that you get them. They are not as lengthy as they look, because this covers BLM, Forest Service and the Bureau of Indian Affairs. Actually, the BLM is only so many pages here, but it does set out their program, and I would suggest that to you.

After we have held these hearings we come up with what is called a committee report that accompanies the appropriation bill, which contains the guidelines to the Department as to how the money is to be spent, if there is a change in the justification they gave us in the hearings, and also some critical analysis. And may I say, we think the Department does a good job in our opinion in representing the taxpayers and the legislative branch. And it is our objective to help them do a better job. And sometimes we prod them pretty hard in that common interest.

The significant thing I would like to point out to you in this report appears on page 4 of the report. I for one have been much concerned about our public lands and increasing our carrying capacity and really getting something for the taxpayers' dollars spent. Ever since coming to Congress I took a very real interest in this, as do all people from the West, but perhaps for the reason of having been raised on a ranch and having been very familiar with it, I took a little bit more interest than ordinarily.

The area of concern to me is this: That the appropriations for the administration of grazing lands, for example, has gone up from $1,085,000 in 1951 to $2,552,000 this year. When I first came to Congress, the level of appropriations was $1,553,000. That was in 1955, for the year ending June 30, 1955. As I mentioned to you, it is now up to $2,552,000 this year, or a million-dollar increase in that one area alone.

On the lease and disposal of lands and mineral resources, when I first came to Congress, the figures jumped from $2,413,000 up to $7,205,000. These appropriations do not cover all the appropriations that involve public lands and the field in which you are interested. There are also soil and moisture funds. There are weed control funds and other maintenance of access road funds and things like that which are identified.

My only point in mentioning this is that I don't think there can be any criticism that we haven't been getting enough money. In fact, I begin to wonder if maybe we con't get too much money and don't look hard enough to seeing how well spent it is.

I took the initial interest when I first came to Congress in getting this range improvement going, range reseeding. I firmly beleive in that. But I don't see, as I get out in the field (and this is not critical of the people here) that we are getting a dollar's worth of range improvement, dollar's worth in the general improvement of the condition of our public land programs for the dollar that we spend of the taxpayers' and yours, because you put up a good share of it.

To give you an over-all picture, for the management of land and resources, the total that was appropriated in 1951 was $7,087,000. When I first came to Congress, again in 1955, the level of appropriation was $12,263,000. Last year, the year that will be completed June 30, 1959, we appropriated $26,910,000. That is going up pretty fast.

You are the best judges and should keep your Congressmen informed as to whether you are getting that increase out on the ground, because that is what we are interested in.

One matter that has been of deep concern to me is this operation of the old Parkinson's Law. Ed and some of the other people around here that are not regularly in government, there are only very few of them compared to this empire that spreads over the width and breadth of our land and now into the State of Alaska. As I understand, and I know this is correct, in 1951 we had 1015 field employees and 224 in Washington. In 1959 that had jumped up to 308 in the Washington office and 2659 in the field offices.

Now, I think that that is something you all recognize we have to constantly watch, both at the executive level and particularly at the legislative, and that is the tendency of an agency or subdivision of that agency just to grow. That is called Parkinson's Law around here, that they want to get bigger and bigger.

As a result of this deep concern, our appropriations committee this year provided this in the committee report. "The committee is also concerned over the size of staffs in Washington, regional and district offices, and plans to have a study conducted to determine the feasibility of reducing personnel in those supervisory areas in order that more adequate staffing may be made available to meet the expanding workloads at the field office level. The committee also intends to more fully explore the related questions of the extent to which increases provided to meet specific new field requirements are actually allocated to finance other general requirements, such as position reallocations, increased travel, etc."

That means simply that, when we appropriate money for range improvement, we want to see that get down to where it means more grass, better watering facilities, advantage on the range, not to go into people, which is the general tendency.

I think these figures show that. I believe -- no, I can't speak for the committee, I can only speak for myself. This does speak for the committee. We are going to follow up on that. I say that the Department people will, too. We work in common concert with them. It will be no surprise to them. We will go down through each one of these offices and programs with a fine-tooth comb, but in the Bureau of Land Management, Bureau of Mines, Bureau of Indian Affairs and the larger agencies in the Department of the Interior, we will especially try to see if the taxpayers' dollar and dollars put up by permittees and users for certain purposes go for those purposes and that some of these things are justified and go for the purposes that we asked the increases for, in order to get the work done that we think should be done on the range.

I would like to mention two other things just quickly and call it a day. In the first place, I have been very much concerned with the range survey methods used. I think that you people have squared off at that several times. I hope you will continue to give it your attention. In my own humble opinion, I have come to the conclusion that there is no accepted, no agreed-upon uniform method of making surveys, and I think that that has to be your point of beginning, and I think it has to be something more than one of these surveys you throw a loop over your head and count how many blades of grass are in the area it happens to land.

I think we have to go into the development of a scientific program, not for surface surveys, but to determine in the sense that we use surveys now, but to determine the grazing capacity of land, the best use of that land and also how that ties in with the other uses, such as watershed protection, and that type of thing.

It is my considered opinion that when we do that, we will come up with a proposition that they all tie together and generally speaking, what is best for the grazing is also best for watershed protection, and so on down the line over the long haul.

As I mentioned on the floor debate in that respect, I think you should give consideration, and I believe the Department should give consideration, to getting the fine talent that is available in our Western universities and accepting the help that is offered by them and by permittees in making some realistic range determinations. This Taylor Grazing Act has been in operation for twenty-five years. Just because the Comptroller General comes around and questions the range available as compared, as shown by surveys, to the number of livestock there is no reason that we must fold our tent and adjust everything to meet a survey that is not accepted, if that is the fact. If it takes two or three years to get an adequate range determination, then I think we should go about it in a business-like way to get it in the cooperation of these permittees, state agencies, state universities and their personnel, particularly that are available, and the Bureau of Land Management.

I also say to you I believe in range improvement, in this program for range improvement, but I am very much aware of the limitations upon federal funds. I can quote you figures of how much we take in and how much we spend, and so forth. I asked questions along this line this year, and I hope everyone appreciates that, when you ask questions, you are seeking information mostly and not trying to tell people how to put the budget together.

As a person who all his lifetime has hunted on the public lands, on the forest lands of this country, who has fished on them, who has enjoyed the recreational facilities, I have come to the conclusion over a long period of time (and I am sure you would agree with me on it) that the thing that helps the range for livestock also helps it for the game animals. When you do the water improvement work, it spreads out your game animals and makes possible the pasturing of more of them as well as livestock. If you do stream control work and get the livestock spread out on them, it improves the fishing streams, and so on down the line. A concept has grown up in this country. It has been referred to as recreation. If you want to go on the public lands for recreation, the government, the taxpayers of this nation are going to furnish me a picnic table and a nice fireplace and everything else.

I don't know why we should say that the limited number of people, compared to the 170 million people in this country, who do this are the public and anyone who wants to go on to graze is not the public. That doesn't make sense to me. If I want to go on there and fish and hunt, for example, then I go as the public not as a hunter. Yet I have asked for figures and they will be forthcoming, and I suppose it will show there are a limited number of people compared to the population as a whole that actually hunt there.

The line of thinking I was developing, I think, will appeal to the real sportsman, and that is that he wants to help in improving the condition of the public lands for both the grazing of livestock and the forage of game animals, and it would seem to me that, if we are really going to get a program going that will be worth while, then everyone is going to have to contribute.

Today we have a two-way deal. The government puts up some money, the permittee puts up some money, or the government puts up the material or the permittee puts up the work. I think we must capture a way by which I as a hunter going on there to hunt on the public land with some small fee, my hunting license, which is $5, I don't think we need to raise it in order to make a contribution, but should they have to do that, I would be perfectly happy to pay an additional dollar, if I knew it was going to go into the range. That would give you more funds right away than from a tight federal budget.

I commend that to your thinking. It is not new, but we should give consideration at a dollar level of the same appropriation approximately we are going down each year in the number of acres of land which we either treat or that we survey, and so forth.

Just an example on that: On range surveys in 1959 we surveyed 10-1/2 million acres; this year, ending June 30, 1960, it will be 8 million acres; next year it is figured it will run about 5 million acres. That is going down pretty fast.

Sure, there is inflation, but I don't know how much other cause there is. We intend to find out. I don't want to bore you with more of this. I just suggest that the best capsule for knowing what is going on is in these hearings in the committee report and in the debate on the appropriations bill. If you desire them, whether you are from Wyoming or not, if you will send them to me as a member on the subcommittee from the West, I will be very happy to make them available to you. Thank you. Applause

MR. WOOZLEY: Congressman, I want to assure you that we want to do everything that Congress wants us to do. We are perfectly happy and willing to cooperate in every way, and if jointly we can find a better way to do this, we all want to do this.

I might point out there are two ways to balance a budget, however. When I came here in 1953, we were taking in about 67,000 cases, last year we had 191,000,cases. You can't do that and render service with the same number of people. Our revenues that year were $65 million, last year it was $136,700,000. Yesterday we took in $285,000,000 from the Outer Continental Shelf, which we didn't have in 1955. So there are two sides.

I am glad to have us discuss the one. I would like to discuss the other too.

I am glad to have you, Senator. I am sorry I overlooked one of my very fine friends here this morning when I walked in. John Carver is here representing Senator Frank Church from Idaho, my other Senator from Idaho, with whom we have fine relations. Sorry to have overlooked you. Will you come up and talk to us?

MR. CARVER: I used to be Ed's lawyer back in the old days, so I have a few privileges here.

Less than a month ago about sixty users of the federal range in Idaho assembled at Twin Falls and gave testimony at a hearing of the Public Lands Subcommittee of the Senate Interior Committee. Senator Moss of Utah presided. And the hearing was extremely illuminating. I must apologize to Ed because in a very real sense it was perhaps an unfair hearing to him in that only the range users were heard. The Forest Service people were there and the BLM people were there, but no representatives of the federal government had a chance to rebut or to contradict or to straighten out, indeed to take any part or to say anything whatever about the testimony which was given by the cattlemen and the sheepmen from every section of Southern Idaho, both the users of the Forest Service land and the users of the Taylor Grazing land. These hearings will be printed within a short time, and I think they will have quite wide distribution. I think that it will be to the general advantage of almost everyone concerned with the use of the federal range to examine this truly grass roots opinion which was expressed by these users.

They were big users and they were small users. They were Forest users and, as I said, Interior Department desert users.

I could summarize in about four points here, I believe, what they said, but I have no way of conveying to you the eloquence with they said it. And for that I recommend to you an examination of the hearing record. I think even the representatives on this Council sometimes forget the support they have, forget the fact that they represent numbers of individual operators and not an industry, not something impersonal. Here are the points they raised, Ed. I don't know whether you had a report from Joe or not. I assume you have.

In a general way, the users of the range made the complaint that Congressman Thompson made about range survey methods. But they made the additional point they object to the methods. They object to the procedures which are used, but they find in their further negotiations with the Bureau proof of their own contentions that there is something wrong about it, because, as they say, after the survey is made, then they go talk to the range manager and, by a process of negotiation, he, as they put it, several of them put it, pulled a figure out of the air.

Well, it is bad enough to have a user of this range who is experienced with it for fifty years to be told that he really doesn't know much about whether it is going up or coming down, but then to have this completely unscientific method substituted for what he considers a pseudo-scientific or sort of an unscientific procedure and method, merely confirms his opinion that there is some error in this. And he feels pretty deeply about it.

A second point: It really is offensive to these people, as citizens that they can't try their cause before courts in their states. It is pretty bad sometimes for them to have what they consider to be a sound case, once in awhile they even win one before an examiner, that is pretty unusual, but they do, and then to find that perhaps it is appealed to Washington, and for them to really get the allotment or get to continue to use it, they have to hire lawyers and come to Washington, D. C.

They really feel that, as citizens of the United States, they are entitled to take their appeals, if they have one, if they can establish that the Director is being unreasonable or the Secretary is, to litigate that locally.

A third point that they raise, of course, has also been alluded to here. It is pretty hard to explain to these people who are getting cuts of 30, 40, 50, 60, sometimes 80 per cent, it is pretty hard to explain to them, in the face of that point being made, that the range is going downhill.

They are a little bit dissatisfied with the determination which is being made in the budget presentations that no more money is needed. As a matter of actual fact, it is represented that less money is needed for soil and moisture work and for weed control.

It doesn't add up to them. And finally, it seems to me that the system that we have under the Taylor Grazing Act has over twenty-five years had built into it some inequities within it, a complaint which was raised rather quietly, because there was quite an attempt made to stifle it. It is that the bigger operators were able to take their cuts from their paper cows, so to speak, from their own non-use permits, and that the smaller operators were being cut out actual cows.

Now, you know, every one of you people know how this thing works. You know that the technique of non-use permits is for the benefit of the range and that you people, the big operators, have paid for these rights. They have secured the base properties. They have put the money out. And they should not be penalized by a procedure which does away with this right which is built into the law.

But a man with 17 head of cattle, who gets cut down to 8 head is out of business. There is a point below which you can't operate. Somehow or other, from a public relations point of view we have to pay attention to the fact that an individual cattle operator, even with a small spread, has to be considered. We can't have the whole cattle business gravitate, as our whole economic system seems to be, just to the big ones.

I have taken the opportunity, perhaps I shouldn't, to summarize in a very brief way, I thought, this hearing at Twin Falls. It was confined to Idaho problems. It was not limited to the BLM. I am sure when Ed and his staff get a chance, many of the charges which were made against him will be refuted and will be refuted adequately, and will be refuted satisfactorily. But nothing can refute the fact that 60 people were pretty damn unhappy. That is a fact which is beyond refutation. And that is a fact which I think ought to be considered in this whole business of the administration of the federal range. It is that unhappiness that reflects back into some of the other offices in Washington beside those concerned with the administration of the federal domain.

The hearing, I must say in connection with my own superior, Senator Church, was called because he found in a rather extensive tour of the state last fall, that this dissatisfaction existed and that these people didn't think they were getting their point across, so Senator Church, although not a member of the Public Land Subcommittee, requested that the Public Land Subcommittee hold a hearing. It did hold a hearing. The proceedings are at the printer, and I am sure you will find them interesting.

Thank you. [Applause]

MR. WOOZLEY: Thank you very much. That is one of the advantages of having these gentlemen come over here from the Congress. They are in direct touch with the people out there at all times, and I am sure you are glad to get their reactions to some of the problems that face them.

We are always glad to have them come over and speak very freely. That is what we have them come over for. We have a representative of Congressman Dixon from Utah. Mr. Cannon, would you like to say a few words in behalf of the Congressman?

MR. CANNON: I will just say a word right from here and that is the Congressman is very pleased and he wants to congratulate the BLM and Ed Woozley for the fine use he makes of your advisory comments in this advisory group. We get many fewer problems resulting from permittees on the Taylor Grazing Lands than we do on the Forest lands, and it is partly because you have developed a higher degree of cooperation and mutual understanding of our problems. Surely not everything has worked out, as some of the comments already made this morning have shown, but at least there is an attempt to bridge the different interests that do result from this group. [Applause]

MR. WOOZLEY: Thank you very much. We trust that you will convey our best wishes to Congressman Dixon. He is one of our finest supporters and is always available when we need him.

John, we want you to tell Senator Church how much we appreciate your coming over and appreciate his and your interests in your resources in the West.

When I was Land Commissioner in Idaho, he was my lawyer, and he and I had many hours together. I don't think our thinking is too far apart. I think all of us realize the problems we face. I don't think there are any easy solutions. We have a responsibility under the Taylor Grazing Act, and we intend to live up to that responsibility. I think, though, that our public relations, our information to the people can be improved tremendously. I am sure that if everybody understood the problems that we have, they could help us solve them instead of sometimes being as critical as they are and feeling that we are doing nothing about them. I think it is helpful to get these reactions. I think, Mr. Chairman, that it has been arranged to take a picture here this morning while these Congressional people are here.

MR. VALDEZ: I am Mr. Valdez, and I represent Congressman Montoya from New Mexico, and he asked me to appear this morning and indicate to you gentlemen that he is interested in these proceedings and wants me to report to him.

MR. WOOZLEY: Thank you, Mr. Valdez. Glad to have you. We trust you will tell Congressman Montoya that we appreciate your coming and hope you will be with us through the remainder of the session.

MR. STRINGHAM: Could we ask some of these people a question before we have our picture taken?

MR. HUGHES: Is that all?

MR. WOOZLEY: I don't believe there are any more introductions. I am sure any of these gentlemen will be glad to answer any questions.

MR. HUGHES: Let's say on behalf of the Advisory Council that we certainly appreciate you gentlemen coming down. Constructive criticism is better than all the flowery praise any time. And for myself, I think we have criticism coming to us. Let's tell these gentlemen they have pointed out some places where our clothes are dirty and we will do our best to wash them and we will do our best to assist management and the Bureau of Land Management to go right along with the thinking expressed by the representatives of the people here. It is quite a problem. I want to say this. When I first ran cattle, you couldn't spend over $10 a year on a cow. On sheep, if you spent over $3 or $4, you would soon be out of business. Now it is costing $50 to $60 a year to run a cow. It costs $12 to $16, in my best judgment, in our area in Southwestern Colorado, to run a sheep. We must appreciate the cost of operation, whether it is in private business or whether it is the national government, has gone up.

On the other hand, we all have to agree with the Congressman from Wyoming that there is a tendency for bureaus to grow bigger and bigger and get unwieldy and I can assure all of you gentlemen and in particular you, Keith, that your advisory committee is watching that and Ed sometimes thinks that maybe we are getting our feet and hands into it too much, but that is what we are here for.

The other side of the picture is that we are all imbued with the idea that the Bureau and the man on the advisory boards and on up from the local level to the national board have a duty to see that this land owned by all the people through the agency of the federal government, is properly maintained and cared for, as much as we possibly can. Many of the users are putting their own money in. I would say with my outfit I don't have any figures here, and I am speaking what I hope is fair memory, puts in about $2000 a year. We further appreciate that there is no use building an improvement unless you maintain it. And that is a constant job of maintenance.

On the other hand, we have been after Ed right along with you that this range survey problem should be completed. We are closer to the complaints about the correctness of surveys, I think, even than members of Congress are. We get it on the neck day in and day out. And we want to do all possible as an advisory counsil, as local boards and state boards, to assist in bringing about proper management of the range and improvement which will increase the range, not only for ourselves, but for our children and grandchildren, and we certainly appreciate your coming here and, if we can't take criticism, we had better get out of business. That is all I have to say.

Now, we are open for questions. Bri Stringham, a senator in the State of Utah.

MR. STRINGHAM: Thank you, Mr. Chairman. May I address Representative Thompson from Wyoming. Inasmuch as you were on the appropriations committee and you have stated here how enthusiastic you are for range improvement, and we appreciate that, we understand you are one of us, we understand your language, we would like to know why the range improvement fund was cut down $480,000 this year, and then answer, if you can, how can we get that restored?

CONGRESSMAN THOMPSON: In the first place, Senator, I am not sure you can get it restored. I think the Department has to answer that question.

I will tell you frankly, Senator, that my initial disposition, as shown quite clearly at the hearings, was to do some cutting and slicing in other places and to restore the soil and moisture funds, which are the ones you speak of, and include water improvement, reseeding. However, we sit there and, as a member of the committee, we get the justification from the departments that come in with a blue book that is about this thick, but which is incorporated in these hearings. We do the homework on that and go over it. BLM is going to get an appropriation of some $25,475,000. That is what was requested for this year. Now, the Bureau has decided that within the framework of that, which is no cut at all, in fact a slight increase, that they should cut that program and go ahead someplace else. I do not happen to personally agree with them. But you just can't walk in and with a meat axe approach start putting a budget back together for them. That is why in the final determination our committee decided that we would have to go into this in great detail, so that next year we would have the information we thought we needed in order to make a determined approach to this problem to rearrange the budget should that become necessary. We have only one staff member on that committee. He is Gene Wilhelm. And I would be hopeful sometime if you could get him with this group, you would find him most informed and most interesting.

Carson Pulp helps him out. We try to supervise the expenditures of over $500,000,000.

When we turn to the Public Works Subcommittee, Carson Pulp is the only staff member on that committee, and Gene helps him out. We have one for each one. So what we have decided to do here (and I think it is quite clear in our committee report which I read to you) is to call upon investigators, which our committee hires, and, frankly, they come from another agency of government, and chiefly the FBI, to go into this in great detail, to determine first the question of personnel, are we getting programs or personnel and, second, is the money that we are appropriating getting down to the level at which we are appropriating it? We just felt that we couldn't come in and say to Ed here, because I have a very high respect for him, and for Mr. Kerr, and these other people, that have done a lot of work in this over the years in putting these budgets together, that we have heard you for three hours and we are going to superimpose our judgment upon you and we are going to shake this thing clear up and put it back to $500 million or put $500,000 on soil and moisture and $250,000 on weed control and something else, and take it off over here. We thought we had to go into it and make a study before we undertook to superimpose our judgment on theirs as to how this pie of $25 million should eventually be cut.

Does that answer your question?

MR. STRINGHAM: Very well. Thank you.

MR. HUGHES: Are there any other questions? These gentlemen are here to help us. If we have questions, let's shoot them at them. I know they can answer them.

MR. STRINGHAM: Excuse me for asking both questions, but I know a politician hates to be put on the spot. Would you answer this yes or no, you two Congressmen, please?

Will you do all you can to help us get that restored in some manner?

CONGRESSMAN THOMPSON: If it has to be answered yes or no, I will say "no," for the simple reason, Senator, that, if you tell me where we take it off, then I will. But this is one of the first bills that comes out and if we breach the budget on this one, then it is "Katy, bar the door." Frankly, if you go back over the appropriations since I came to Congress, not for the last ten years, or something like that, but the time I have been here, I think you will find that this level of appropriations has gone 'way up, and I am not satisfied that we are getting a dollar's worth of improvement, and so forth, for a dollar of the taxpayers' wealth spent in these programs. Until I am satisfied that that is so, and I haven't heard anybody seriously asking for tax increases, and so forth, and while we have the pressures on government spending, I can't in good conscience say I am going to put money back in until I am satisfied it is well spent. I will certainly listen to any justifications for it and be happy to cooperate with you and if we can see any good, because there are reasons to take it off someplace else, I will be the first one to put it back here, provided we can be convinced it is well spent.

MR. STRINGHAM: Your answer really is "yes," then.

CONGRESSMAN THOMPSON: No.

MR. HUGHES: He talks just like Wayne Aspinall.

CONGRESSMAN THOMPSON: May I say one thing.

MR. HUGHES: Yes.

CONGRESSMAN THOMPSON: I think we perhaps make a mistake by confining the Congressmen who come down here, and so forth, to the people of the West. I am leaving that committee. I won't be there again. I have never had such a privilege to work with Mike Kirwan of Ohio, the chairman of the committee. Mike is perhaps better informed than most of us in the West on these problems. He has traveled throughout the country and he really takes a sincere interest in it, and is one of the outstanding Congressmen. I could go down on the other side of the Democratic side of the committee. There are seven of us, as I think you know. We have Ben Jensen of Iowa. I don't know of a man who takes more concern about this, and the real thing that the Judge mentioned about a country that we can pass on and opportunity and ability to support an increase in population, and "Doc" Fenton of Pennsylvania. There are only two of us -- Don Magnuson from Seattle and myself -- from the West on that subcommittee, but I feel, even leaving it, it is left in good hands, because those people have a genuine concern for your problems.

I would be hopeful you could get them to some of your meetings out home as speakers, so they could absorb the grassroots part of it as it is presented, and you could get together with them more frequently here, because, if it ever comes down to votes, we people from the West just are not quite as heavily populated as some others, and we need friends who really understand us, and they do.

MR. WOOZLEY: I believe we invited Congressman Kirwan and Congressman Ben Jensen to the meetings.

CONGRESSMAN THOMPSON: They are on the Public Works Subcommittee.

MR. WOOZLEY: That is the trouble over there, you people are so overworked, you have to leave a dozen commitments to come down. We invite the members of the Interior committees of the Senate and the House and the appropriations subcommittee.

MR. HUGHES: Are there any further questions?

MR. HORN: I would like to ask a question.

MR. HUGHES: Mr. Horn of Colorado.

MR. HORN: I would like to ask if we could have Jerry Kerr explain this 20-year program for the Congressmen who are here. We did have a 20-year program set up that was to do a lot of good for our ranges, and we are not getting any money to do it, and I think we are all awfully concerned and alarmed because we are not now getting any consideration or any money to do that work.

I wonder, Jerry, if you could outline that a little bit, what that plan was. I understand it will take 60 or 70 years to do it at the amount of money we are getting now to do the 20-year plan.

MR. KERR: Dan says: Don't take that long to explain it.

When did the 20-year plan go into effect?

MR. FALLON: 1955.

MR. KERR: Prior to 1955, the Department, which has a number of agencies that participate in the soil and moisture conservation program requested the agencies to come up with a long-time program showing the needs for conservation activity in sufficient detail so it would be possible to at least have a preliminary figure on what it would cost the government, what the costs would be to attain the conservation work that the various agencies were critically in need of. Each agency came up with its statement and estimate on the basis of a 20-year plan or program. The Bureau of Land Management plan envisaged an increasing appropriation up to a total of about 7 million annually. That would take place over a period of four or five years. Then we would go along on at that level until about the 15th year of the program, when it would begin to decline. At the end of the 20-year period, it was anticipated that all of the proposed conservation work would be completed. The other agencies worked their plans out very similarly, if not exactly as we did, and that is what we call the 20-year plan.

It was approved by the Department and the Bureau of the Budget and the Congress was advised of it. I believe it was generally accepted as a desirable plan to put into operation, and the first year or so it went along in very good shape. Since that time there have been quite appreciable reductions in the appropriations that were programed in BLM's 20-year plan. That is the way it stands.

CONGRESSMAN THOMPSON: Is that plan reduced to writing?

MR. KERR: Yes, sir.

CONGRESSMAN THOMPSON: Can we get a copy of it?

MR. KERR: Yes, I am sure we have it, Congressman Thompson.

CONGRESSMAN THOMPSON: Send it up to us.

MR. HORN: At the rate we are getting money this year, how many years will it take to put the 20-year plan into operation, to meet the schedule?

MR. KERR: Our appropriation for soil-moisture work is about half, I believe, this year, maybe slightly over half, of what the 20-year plan called for.

MR. HORN: I thought it was cut in half.

MR. KERR: Just about.

MR. WOOZLEY: We have an accumulated deficiency of about $7 million. If we were clear up with the past years and this year, we would have a deficiency of $7 million.

MR. HORN: What I was trying to put across was how much we need to have this range soil and moisture money to do this that we have set up and the ranchers are ready to put their money up, but the Bureau can't get their share of the money to cooperate, so the land is in bad shape.

CONGRESSMAN THOMPSON: I say you are going to have to look to other users to help contribute. The federal government is spending $7 million in the management of your grazing lands and soil-moisture and weed control about 7 million, and we are taking in $3,700,000. I think you can justify, on the basis of what the Judge says, a certain amount of that, because we are cleaning up some stuff that should have been done years back, the backlog plus we are leaving some for the future, but this pressure for the taxpayers' dollar is very great and I don't know of a man here that doesn't recognize that, and my point is that other users perhaps should help too and you could pick up that deficiency that way, and I think the real sportsman and the real user of the recreational facilities would be very happy to pay some sort of a fee to assist in getting better conditions for himself as well as for the permittees and other users under the BLM program.

MR. BROWNFIELD: I want to say that we certainly appreciate what you people have told us, the cooperation you are trying to give us. I would like to make this observation for the benefit of the improvement of the range. In our country, that is, New Mexico and over in Arizona, where we have allotments all fenced and we have to develop our own water, we are quite interested in the policy that the Department has adopted in getting cooperation from the individual, and I think up here in the Northwestern part of the country, where you have community allotments, if they can work out the individual allotments, that individual knowing that if he puts in a dollar to help improve the range, he will get its benefit in the carrying capacity and be able to increase his herd, he would be more willing to spend some of his own money.

In our state I don't know of an individual who doesn't have an individual allotment and I don't know of anyone who isn't spending some of his own funds.

In our ranch we have spent $5000 a year building fence and digging ditches. We speak plainly here, and we agree with you that other agencies should come into this. We have a resolution asking that the wildlife agencies of the various states who also issue permits to use these lands, private lands as well as the federal lands, are used, many of us make no objection. We are glad to have the harvest and the game. We feel like we should add on another dollar take and add to the revenue through a license fee and help us improve, protect and police the range, and we are glad to hear that you people are thinking along the same lines, and we will work it out.

Thank you.

MR. HUGHES: I know these gentlemen are busy, so if there is nothing further, we better get on with the picture-taking.

MR. WOLFE: I would like to add one thing for the members of the Advisory Board, and it is apropos to the points raised by Keith Thompson and the gentleman from Utah. Senator Murray, Chairman of the Senate Interior and Insular Affairs Committee, has been well aware of the broad problems that exist in land management. After consulting last year with a number of members of the committee, he asked the Secretary of the Interior to prepare and submit to the Congress a long-range program for the BLM. When Congressman Thompson asked what this 20-year program is, he was really demonstrating a problem that exists up on the Hill. A lot of members of Congress do not know what the agencies would like to do, what their plans are. The public doesn't know what the agencies would like to do.

Now, by way of analogy, last year, the Secretary of Agriculture submitted a long-range program for the national forests. I don't know how many of you may have seen that program. But it is a very extensive program with a state-by-state breakdown of the work to be done, the anticipated costs and the benefits that will come from it. That is before the Congress. It is before the public.

For the BLM there is no comparable document, and what the Chairman of the Senate Interior Committee has asked for is exactly the same thing, such as the program for the national forests, with such improvements as the Bureau can make after studying the type of program the Forest Service came up with.

This year the Senate's appropriations committee went one step further on this program for national forests. They have asked the Department and it has been submitted, to prepare information on the various phases of their program showing the rate at which they are progressing. I saw some figures just the other day, for example, that showed in the national forest one of the programs that was lagging more than any other was the soil and water management. Another one that was lagging greatly was reforestration. Two others that were lagging badly in comparison with where work is going forward on timber sales and recreation was range management. With that type of information, you people will know, you will have a way of gauging what is being done, and what should be done, and how it can be done. And up in the Congress they will have the facts.

Then I think it is up to you, to exercise your rights as citizens and that is to come up and petition your Congressmen, your Senators, every year the appropriations committees hold hearings, people come in and testify. They explain whether they think programs should be increased or decreased. If you don't come up and tell your members on the House side and your members on the Senate side what you think they ought to do, they are going to go along on the assumption that everything is fine.

And I think, when this long-range program comes up, that the Senate Interior Committee will have probably hearings on it, after first distributing it to as many people as they can get it to in the West. Maybe Ed Woozley can tell us where the program is. It was due on the Hill on February 1st, and it hasn't come up yet.

MR. WOOZLEY: It looks like I am on the spot. Well, it has left our shop, Bob. That is all I can tell you. We have submitted the preliminary long-range program report. It must be studied by various other agencies in the Department. We are hopeful it will be over there before too long.

MR. WOLFE: Senator Murray is too.

MR. WOOZLEY: The Bureau has submitted it to the Department.

MR. HUGHES: Is there anything else that the members have to ask or the members from Congress have to tell us? Did Ed overlook any of you gentlemen?

I am not supposed to know you, so I can ask that right out.

If not, we will take a recess and get this picture-taking completed. We hope that the members of Congress can add lustre to the picture by staying here and having their picture taken with us.

[There was a short recess.]

MR. HUGHES: We have a representative of Senator Moss' office here. Would you introduce him, Ed?

MR. WOOZLEY: I will be glad to, Judge. Senator Moss from Utah is unable to be here, but Mr. Midgley from his office came in, I guess, just after the picture was taken. We are sorry about that. We are glad you are here and we would like to have an expression from you, Mr. Midgley.

MR. MIDGELY: I was in the picture last year, so I am sure that will suffice.

Senator Moss was unhappy he was unable to be here with you, and sends his greetings. His committee work keeps him close to the problems of range management, and he has your problems in mind at all times. Thank you. [Applause]

MR. WOOZLEY: Thank you very much.

MR. HUGHES: Is there anyone else?

All right, we will go back to the resolutions. Will you proceed with your resolutions? We will get those behind us.

MR. KIDD: Yes. Thank you.

No. 5. You all have copies.

Whereas, From inception of the Pittman Act in Nevada, only three entrymen have successfully reclaimed public land under this Act, it has not served the purpose intended; and

Whereas, Most entrymen file on 2560 acres of public domain land important to livestock, wildlife, and recreational use in the state, and since these filings are destroying the stability of the livestock industry highly important to the economy of the State; now therefore be it

RESOLVED, That this Act should be abolished.

That is No. 5.

MR. HUGHES: Let's proceed with No. 5 and get that behind us.

MR. HAY: Why don't we just have them read and act on them later?

MR. HUGHES: Then you wouldn't remember them.

MR. BROWNFIELD: That is right.

MR. HUGHES: What do you want to do with Resolution No. 5? Is there a second?

MR. LEE: Did you ever move to adopt it?

MR. KIDD: I move to adopt it, yes.

[The motion was duly seconded.]

MR. HUGHES: Are there any remarks?

MR. HAY: I would like to know what the Act is.

MR. KIDD: It is the Pittman Act in Nevada.

MR. HAY: Is it a state law or a federal law? We have no right to tell the men of Nevada what to do.

MR. WOOZLEY: I would like to introduce Jerry O'Callagahn, from Senator O'Mahoney's office, from Wyoming.

Sorry you are late. You didn't get into the picture.

MR. O'CALLAGAHN: I think this is the fourth session that I have had the pleasure of representing Senator O'Mahoney. I think I have made the same little speech, which I hope is gracious without covering any ground. Last night, thinking about that, I decided I didn't want to make that same old speech again. Fortunately, there are some things going on in the Senate, particularly in the Committee of Interior and Insular Affairs, that makes it possible to report some of Senator O'Mahoney's activities which have direct interest of you gentlemen.

First, let me say that Senator O'Mahoney suffered a slight stroke last June from which he has made an excellent recovery. He comes down to the office about three or four times a week and otherwise keeps up with the business by phone. Actually, I think he has more energy now than before his stroke because he is taking rest when he needs it.

The result is that he can give me a real work-out. I had a two-hour session with him last night on the Wilderness Bill, which is the current business before the Interior Committee. I might say to you gentlemen that that Interior Committee was considering the Wilderness Bill (S1123) last August. Senator O'Mahoney studied the bill very carefully and asked the committee if they wouldn't put the consideration over until he could be personally present this winter. The committee has had one session on the bill. They had another session scheduled for today, which was canceled because of a general situation which has arisen on the Senate floor.

I know you gentlemen are interested in the Wilderness Bill because of your interest in grazing. It does not apply, however, to the lands under the jurisdiction of the Bureau of Land Management, so I don't want to burden this meeting with a discussion of the bill. I will say that to any of you who are interested in the bill and particularly interested in Senator O'Mahoney's substitute, upon which he has worked very diligently to formulate a substitute bill, which, he believes, more closely meets the realities of the situation, particularly in the West.

If any of you gentlemen have any questions after the meeting, I will be glad to hold myself available to discuss it with you.

Thank you very much. [Applause]

MR. HUGHES: Thank you very much.

I think most of the members of this Council know Senator O'Mahoney and we would appreciate it if you would express our appreciation that he is recovering and back on the job again.

MR. WOOZLEY: Judge, it may be that some of the gentlemen here would like to ask Jerry questions about the Wilderness Bill. I know it is something that is very much in all of your minds, and I am sure Jerry would be glad to try and explain any particular features on the proposed bill, if you have any questions before we get back to the Pittman Act.

MR. HUGHES: Yes, I have one. Does that bill in the form it is in now give us a clear picture of what they are trying to do?

MR. O'CALLAGAHN: The committee has what is called Committee Print No. 3 before it. Senator O'Mahoney, on an informal basis, has distributed to members of the committee and entered in the hearing record an amendment in the nature of a substitute, in effect, a new bill, a clean bill, as the jargon puts it. I have a few copies, mimeographed copies of it, which I would be glad to distribute to anyone and would be glad to send others to those who might want them sent home.

You have to understand that this is a tentative proposal and has been put forward on an informal basis. It has no official standing as yet.

MR. LEE: Could you give us a little bit of the fundamental differences that the Senator has in mind?

MR. O'CALLAGAHN: Yes, because he is dealing in a fundamental difference between this and the preceding committee print. In sum, this is what the O'Mahoney substitute proposes to do. It would give statutory standing to, I think it is 41 wilderness areas, as they exist today, and they will be fully described in the bill. One of his criticisms of the preceding drafts was the lack of legal descriptions of the areas. It offers a definition of a wilderness area. It authorizes the Secretary of Agriculture and the Secretary of the Interior, the Secretary of Agriculture with respect to the so-called primitive areas and the Secretary of the Interior with respect to the National Park lands and with respect to wildlife lands, authorizes them to conduct a review and then to recommend to the Congress, based on the definition in the bill to recommend to the Congress the creation of further wilderness areas, area by area.

The difference here is that it calls for an affirmative action by Congress.

The definition of wilderness, as it is set forth in this draft, is as follows: A wilderness is any area which possesses inherent qualities of the tangible-intangible benefits of which indicate the desirability of adding it to the wilderness and likewise offset the benefits to be derived from any other use or uses.

And that is the fundamental difference between his approach and the approach of the bills which have been considered heretofore.

MR. BROWNFIELD: You are establishing another system, national wildlife preservation system.

MR. O'CALLAGAHN: No. The Senator has advisedly dropped the use of the word "system" and the word "preservation."

MR. BROWNFIELD: We don't need another big agency to handle it.

MR. O'CALLAGAHN: No, there will be no agencies created by this. This is added authority for the Secretaries, the two Secretaries to do many things that they are already doing, but to do them under this definition set forth by Congress.

MR. BROWNFIELD: On a multiple-use basis?

MR. O'CALLAGAHN: Yes. Section 3 of this bill provides for multiple use, including grazing. Section 3 of the proposed O'Mahoney bill supplements the basic Forest Service Act on a multiple-use basis, including grazing, recreation, and wildlife. The difference here between this bill and its predecessors is that recreation and wildlife were listed in the previous bills but grazing was not listed, so grazing is put on a par with recreation and wildlife.

MR. HORN: Does he think this bill will get out of committee this year?

MR. O'CALLAGAHN: Well, he has not confided to me to that extent. I hate to make predictions even though I have my own feelings. That is just one of these things you can't predict, frankly.

I think that the general line of endeavor that Senator O'Mahoney has set out here has commanded itself to his colleagues on the committee. I can't predict. There are seventeen senators on the committee. I can't even predict what the Senator with whom I work so closely will do. I just couldn't put myself in the position of predicting what he plus sixteen others might do.

MR. BROWNFIELD: Does the bill include primitive and wilderness areas and wilderness areas in one?

MR. O'CALLAGAHN: No. The difference between wilderness and wild is the difference between acreage. A primitive area is an area which the Forest Service first created, but which they say needs more review before they meet the Forest Service's own definition of wilderness areas. The O'Mahoney bill would give statutory standing to those areas that have been determined by the Secretary of Agriculture or by the Chief of the Forest Service to be wilderness or wild. The primitive areas are held back for review and possible recommendation, area by area, in the future.

MR. HUGHES: Under the original bill, this proposed amendment, will trapping be allowed for predatory animals?

MR. O'CALLAGAHN: I thought I had covered all the ground. In neither bill is there specific reference to trapping. In the O'Mahoney bill there is a little clause which says that no prohibition against hunting or fishing shall be made by any federal authority on any area included within the national wilderness. The general thought, I believe, is that the state game laws will govern.

MR. HUGHES: I think that is a little dangerous, to go on that theory. Your parks, and so forth, no trapping is allowed. No killing off of predatory animals and that raises quite a problem in the sheep industry at least.

MR. O'CALLAGAHN: This bill makes no attempt to amend the basic national park act. In fact, there is an express disclaimer that it does so. These wilderness areas within the parks are to be supplemental but not contradictory to the purposes for which the parks were established, so really the reference to hunting and fishing was really the reference to the Forest Service lands.

MR. BROWNFIELD: How are they going to protect the wilderness areas from fire, disease, and so forth, if they do not permit some roads or landing strips, some method of reaching them?

MR. O'CALLAGAHN: There is a provision in this bill for the Secretary to take steps necessary. Let me see here for a moment, if you will permit me -- yes, this is a rather general clause (Section 4 (2)(c) of the O'Mahoney bill). "Within any area included in the National Wilderness, the President may, within a specific area and in accordance with such regulations as he finds necessary, authorize prospecting, including exploration for oil or gas, mining, including the production of oil or gas, and the establishment and maintenance of reservoirs, water conservation works, and other facilities needed in the public interest, including road construction and maintenance essential to the development and use thereof upon his finding that such use or uses in a specific area will better serve the interests of the United States and the people thereof than will its denial."

I was thinking there was another clause here, too, that deals with that, but I can't lay my finger right on it. I have found it, Section 4(2)(b). "In addition there shall be no construction of any temporary road or any structure or installation in excess of the minimum required for the administration of the area for the purposes of this Act."

MR. GRIEVE: Administration of it will remain in the agencies from which the land came?

MR. O'CALLAGAHN: Yes. The administration would remain. These are just further instructions and further directives to the respective Secretaries. There would be no change of jurisdiction.

MR. STRINGHAM: I can't see the value or the need for the Wilderness Bill, because it is exactly parallel with what the Forest is now doing in primitive areas. We have in our area a primitive area and it qualifies exactly with what you have stated. Why another bureau?

MR. O'CALLAGAHN: There will not be another bureau. The fact is that there has been a great deal of agitation for a Wilderness Bill and I think some people got to thinking that, that being the case, it would be better to write a Wilderness Bill that was in touch with the realities.

MR. BROWNFIELD: I would like to point out another. Page 13 of the Committee Print No. 3 reads: "within federally owned areas included in the wilderness system under this subsection, the grazing of livestock, where well established at the time of such designation, may be permitted to continue, subject to regulations deemed desirable by the official or officials authorized to determine the use of the areas involved."

You have left out timber and mining. Don't you think they should be included?

MR. O'CALLAGAHN: They are included in another section, and I might say they are included indirectly.

MR. BROWNFIELD: It says livestock may be permitted. Don't you think livestock should be permitted or will be permitted?

MR. O'CALLAGAHN: This is the phrasing that the Senator O'Mahoney has adopted. He has changed the terminology, however, "to such regulations as the Secretary finds after public hearing to be necessary."

MR. BROWNFIELD: That is all right.

MR. O'CALLAGAHN: I point out "desirable" is a self-defining word.

MR. GERBER: Does this new bill permit the harvesting of timber?

MR. O'CALLAGHAN: Not on the wilderness areas. That is a point that is possibly in abeyance, I might say. Presumably, as areas come in, are proposed to Congress, there would be consideration given, undoubtedly given. The bill provides, as this review goes forward, for mandatory hearings at places adjacent to any proposed area. "During any such review, public hearings shall be held by the respective Secretaries at places conveniently adjacent to any area proposed for addition. In presenting such wilderness addition plan to Congress each Secretary shall enumerate and summarize any objections which may have been lodged against the inclusion of such areas in the National Wilderness, together with a recitation of the facts upon which he relies in setting aside such objections."

Knowing that you gentlemen were in town and knowing this was a current piece of business in front of the Interior committee, even though it is collateral to your main purpose in being here, I didn't want the opportunity to pass without calling your attention to the efforts that Senator O'Mahoney is making right at the moment in trying to get a realistic bill.

MR. WOOZLEY: How would you handle this if you boys got a chance to study the committee print and they had questions or comments, would those be sent directly to Senator O'Mahoney or to the committee?

MR. O'CALLAGAHN: I think possibly to the committee, to the Chairman, who is Senator James Murray. This bill is beginning to circulate among interested people. I dare say, when you get back home, some of your colleagues -- I notice this morning there was a request from a group from Montana, requesting a copy of the bill. So I think, if you have comments, pro or con, additions to, amendments to, suggestions and observations, and so on, if they can be directed to Mr. Murray and to Senator O'Mahoney too, he relies on the knowledge of people who have specific knowledge about affairs. He would find that helpful before the committee.

MR. STRINGHAM: Mr. Chairman, just one other short question. You stated there would be no new Bureau created. How do you propose to administer this if you don't have another setup?

MR. O'CALLAGAHN: It is just an additional task for the Secretary of the Interior with respect to Interior Department lands. It is an additional task to the Secretary of Agriculture with respect to the Forest Service lands.

MR. STRINGHAM: It wouldn't take new employees.

MR. O'CALLAGAHN: The only thing I can say there is that Senator O'Mahoney asked the Bureau of the Budget if they wouldn't comment on this bill just for his edification on the point of additional expenditures. It replied it didn't believe there would be additional expenditures.

MR. BROWNFIELD: What is the Senator's reaction to the proposal to wait until the Outdoor Recreation Resources Review Commission makes its report?

MR. O'CALLAGAHAN: I haven't heard him mention it specifically. He has been working along the assumption that this is the pending business. He feels he is under obligation. He held up the consideration of this bill last August and he asked that it be held over until he could be personally present early in this session. That is the reason he went to work on drafting a substitute, so he wouldn't be in a position of being said to be an obstructionist.

So he has gone to work on the assumption that the Interior Committee is going to consider this bill early this session.

MR. BROWNFIELD: We feel he has served us well up to now in the many changes that have been made. Tell him that we hope he stays in there and continues to fight because the argument that he had with the WASHINGTON POST, we think he is right and not the POST.

MR. O'CALLAGAHN: He, as you may know, is a grand old fighter, and he loves to fight, particularly in the interests of good draftsmanship in bills. The battle he is fighting in this bill is good draftsmanship, so everybody knows whether or not they may approve. At least they know what is involved.

He has a suspicion that the present bills would leave room for recriminations because people just plain would not know. They would assume things were included that weren't. I will be very happy to convey your remark to him.

MR. O'CONNELL: We certainly appreciate the efforts that he is making now, and he has made in the past for this board. There never was a time that we have gone to him that he hasn't been responsive to whatever we asked. He has a good level head. Thank you.

MR. LEE: That is from one Irishman to another.

MR. O'CALLAGAHN: I know Senator O'Mahoney will take renewed strength. Your kind remarks will give him renewed strength.

MR. BROWNFIELD: In Section 5, we think those gifts should be of money and not land.

MR. O'CALLAGAHN: That is a point that I will certainly keep in mind to call to Senator O'Mahoney's attention.

MR. BROWNFIELD: We can visualize sooner or later some multimillionaire buying up our land and donating it and taking it out of use.

MR. O'CALLAGAHN: That is a point that I will bring to his attention. He didn't include that provision in his own draft. If it looks as if the committee's going to consider the Committee Print No. 3, that is a point that I will be very happy to bring to his attention.

MR. HUGHES: Are there any further questions? Would you leave those copies here?

MR. O'CALLAGAHN: Ihave copies here. I brought them, thinking you gentlemen might want to take them home and study them in you leisure, if you have leisure on ranches. If there are more requests than can meet your demands here, if you will just drop Senator O'Mahoney the briefest little note or postcard, we will get a copy sent to you.

Thank you very much. I really didn't anticipate being called. I was going to make an offer to discuss this bill with you informally as individuals might have wanted to come up and see me. I am very grateful for this opportunity and I will convey to him the respects which you have indicated toward the Senator O'Mahoney, and I know specifically it will encourage him to go on with his endeavor he has on the Wilderness Bill, they will also, I know, be very encouraging to him generally. [Applause]

MR. HUGHES: Thank you very much for coming down.

What is the Pittman Act?

MR. WOOZLEY: The Pittman Act applies only to the State of Nevada, and speaking very briefly on it, it gives an applicant the chance to hold four sections of land while he tests the land to see which has the most prospect for water development, and when he finds a water development that is satisfactory, he then must confine his activity to one section, and he has, I think it is two years that he can hold these four sections of land from all other uses while he is testing it out. If he finds a section that qualified, he then may develop it and get a patent for one section of land.

It is the only state in the Union that has such an act.

MR. HUGHES: Wasn't that prepared and put through by the Senator from Nevada?

MR. WOOZLEY: Yes, sir; Key Pittman.

MR. HUGHES: Now they are dissatisfied with it?

MR. WOOZLEY: It hasn't worked.

MR. HUGHES: This is a matter which would have to go before Congress?

MR. WOOZLEY: Yes, sir.

MR. HUGHES: The Bureau would have no authority to declare it void?

MR. WOOZLEY: No, sir.

MR. HUGHES: All right, gentlemen, I think we understand.

MR. SWALLOW: My colleague seconded this motion so that it could be put on the floor for debate. In the State of Nevada about 87 per cent of the State of Nevada is publicly owned, and many years ago our Senator Pittman had this legislation passed that the people in the State of Nevada wanted, to provide some means for some of this land to be developed and put under private ownership. Since that time it is true there has only been three entries approved; however, economic conditions are changing. The means of developing water and land are changing.

There are still a number of people in the State of Nevada who feel that this is an important act, and we feel that this act is peculiar to Nevada and we feel that the people in the State of Nevada should petition our Congressmen and our Senators and the Congress as a whole if we want this act changed. It is a means of developing, putting land into a higher use and many people don't believe there is too much wrong with this act, even though it hasn't been used in the past.

It is still a means of putting more land to private ownership, putting it to a higher use. Therefore I would like to suggest that the Council table this and leave it up to the people of the State of Nevada to petition Congress.

MR. WOOZLEY: Mr. Chairman, I believe, Mr. Swallow, that the last Legislature in Nevada did pass a joint resolution memorializing Congress on that, did they not?

MR. SWALLOW: There was such a resolution introduced. I am not sure as to what happened to it. I am not positive. I know it is quite a controversial issue at the present time in our state.

MR. HUGHES: The point that is being made is this is an issue peculiar to Nevada and that they should fight it out themselves, they should fight out their own issue. But are you making a motion to table?

MR. SWALLOW: Yes.

MR. ETCHART: Second the motion.

MR. HUGHES: The motion has been made to table the resolution. All in favor say "aye"; opposed.

The motion is tabled.

What is our next one, under 6?

MR. KIDD: That if the Great Basin National Park is established, that hunting and fishing be allowed during the regular seasons and that Fish and Game management in this area be controlled by the Nevada Fish and Game Commission.

I move the adoption of this resolution.

MR. HUGHES: Is there a second?

MR. BROWNFIELD: Read it again.

MR. HUGHES: The one we are discussing is No. 6:

"That if the Great Basin National Park is established, that hunting and fishing be allowed during the regular seasons and that Fish and Game management in this area be controlled by the Nevada Fish and Game Commission."

MR. LEE: Mr. Chairman, that wouldn't be properly before us because it is only taking one individual place in one state, and, as this is a national board, we have to only consider problems that will affect us all. I would suggest that he rewrite that motion and make it more of a general one, that if national parks be established that the hunting and fishing be allowed during the regular season, which would affect all of our states, but I don't think this Board would like to take up individual state problems.

But your purpose could be accomplished by changing the resolution.

MR. KIDD: That is the controversy you run into by only having one state, one man representing four states. This was handed to me by Nevada and I am representing Nevada.

MR. LEE: I don't think that is true at all. I think it is a real problem and what you are trying to get at is to get hunting and fishing in the national parks as they are established, and we could reword that to where it would affect the whole thing. That would be my suggestion.

MR. HUGHES: Is that agreeable to Nevada?

I think myself it should be a general resolution. If we pass one just for one park, theoretically we are approving the opposite in the other parks.

MR. KIDD: That is correct. This one park was named, but all states are in favor of this at this area meeting, so I will rewrite it that way, and I am doing so right now. That all parks, when established, be it resolved, that hunting and fishing be allowed during the regular seasons and that the State Fish and Game Commission control.

MR. HUGHES: Why don't you make it all parks now or hereafter established?

MR. KIDD: That is all right.

MR. LEE: I will second the motion and give him time to refine it, so in our records it will be more refined, the general idea.

MR. HUGHES: The resolution as it now stands before us is that we ask that hunting and fishing be allowed in all parks now or hereafter established be controlled by the State Fish and Game Commission or game laws.

MR. KIDD: Yes, that is right. I move the adoption of it.

MR. HUGHES: It has been moved and seconded. All right, we will call for remarks.

MR. HORN: Question.

MR. HUGHES: The question is called for. All in favor say "aye"; opposed. The motion is carried, and you will see that it is rewritten and given to the reporter, will you?

MR. KIDD: Yes, sir.

[The resolution, as rewritten and submitted for the record by Mr. Kidd, follows:]

That, whenever a national park, or monument, is established now or in the future, that hunting, fishing and control of predators be allowed in the area, and that fish and game management be controlled by the various state fish and game commissions.

MR. HUGHES: Under 7 on the next page, we are going to have to discuss that whole proposition. I think it might be better if you don't introduce that at this time as a resolution, because that very issue is bound to come up here for discussion on a broad scale. Is that satisfactory with you?

MR. KIDD: Yes, that is satisfactory with me.

I might say one thing. It might look like I have taken up quite a lot of time here, but I hope the Council members will remember that I am representing four states, stockmen have two men to each state, and in the same consideration I should have eight times as much consideration as any other member here, so I am not taking up too much time.

MR. HUGHES: Being one in the minority, you are entitled to more time.

All right, what is our next order of business now. The program calls for general discussion of issues which the members feel are important.

MR. ETCHART: I have a short resolution.

Whereas, there is confusion at present as to qualifications and methods for appointing wildlife members to the Taylor Grazing Advisory Boards; therefore be it

RESOLVED, That the National Advisory Board Council recommend to the Director of the Bureau of Land Management the following:

1. Wildlife Advisory Board members appointed in the future shall not be connected with State Fish and Game Departments or the Fish and Wildlife Service in any employed capacity.

2. That Wildlife Advisory Board members be nominated by local grass-roots sportsmen's groups and selected by the state director from three nominees so presented.

3. Foregoing qualifications will not apply to wildlife advisory board members presently serving.

Mr. Chairman, I move the adoption of this resolution.

MR. HUGHES: That is just opposite to what we adopted yesterday, if my memory serves me right.

MR. ETCHART: We didn't adopt it.

MR. HUGHES: We just discussed it. Okay, it has been seconded?

MR. LEE: Second it.

MR. HUGHES: Bring it to the reporter, so he can have it and we can have it up here.

MR. STRINGHAM: Will the chair read the motion again, please?

MR. HUGHES: All right. I am leaving out the preamble about confusion. There is always confusion.

"That the National Advisory Board Council recommend to the Director of the Bureau of Land Management the following:

1. Wildlife Advisory Board members appointed in the future shall not be connected with State Fish and Game Departments or the Fish and Wildlife Service in any employed capacity." I assume we all understand that.

2. "That Wildlife Advisory Board Members be nominated by local grass-roots sportsmen's groups and selected by the state director from three nominees to presented." Personally I think we better mark out "grass-roots" because that is a term that you could have too much argument about.

MR. LARIMER: Change it to local.

MR. ETCHART: Strike out "grass-roots".

MR. HUGHES: I think so. You would have a lot of argument.

In other words, your state sportsmen groups would have the privilege of nominating three men and from one of those men the director would have to select his representative. And then that last section reads:

"3. Foregoing qualifications will not apply to Wildlife Advisory Board members presently serving."

This will not apply to present membership, in other words.

All right, do you understand the motion?

MR. LEE: I was wondering, Judge, if you want to put in the term "conservation groups," too. When I was a boy carrying papers in the red-light district, there was a different kind of sportsmen. I thought maybe you would want to put "sportsmen and conservationsists."

MR. HUGHES: We are not talking about sporting ladies. We are talking about sporting gentlemen.

MR. ETCHART: The word I had in there, with reference to the "state director" is wrong. It should be the "state supervisor." And my thinking is that in the appointment of these Board members it starts at the local board. This is the local district board, and from there on up.

MR. REAVELY: I would like to point out that two states -- Nevada and Utah -- or in quite a few places there are no local sportsmen's clubs, and one of the reasons they have paid employees of the Game and Fish Service to serve as wildlife representatives is the fact that it was generally agreed by the Department and by the state federation president that that was the best solution to that problem in that particular case.

MR. HUGHES: Any more remarks?

MR. GERBER: I object to this, because in Oregon, for instance, it has been our opinion that the state game commission employees are better trained in their work. They are technicians. When we ask them a question, we have a concrete answer. When we ask a sportsman something, we have one man's opinion. It may be good, but, on the other hand, he doesn't have the background and the training to have a competent answer. We like to deal with the game commission. We like their views.

MR. HUGHES: Any further discussion?

MR. SEELEY: Having attended the meeting of the wildlife and their meeting in discussing this question, they went on record, the four states of Utah, Idaho, Nevada and Arizona, that the occupation of the individuals who were to be wildlife representatives on these various boards should not have any influence upon their qualifications for appointment. If they were wildlifers or people who were interested in wildlife and were selected either by the sportsmen group or the state fish and game commissioner, recommended for appointment by the state supervisor, they should be allowed to or should be qualified for the appointment.

I might say that in Utah I think they have three members out of eleven districts. They have three members who are members of the state fish and game commission, and those districts that have them feel they are probably some of the best members on the board.

I think another one, we have a representative who is a retired forest service official, another one who was a postal carrier, and so forth. They went into all walks of life in that state. They have a couple who are livestock users and owners. It gets into a lot of ramifications when you get into --

MR. LEE: Mr. Chairman, a point of order. I think that is a question for the Board to discuss.

MR. HUGHES: That is correct if the point is raised.

MR. LEE: Now, then, in going on in answer to the gentleman on that, the fundamental base of establishing boards was to get people on them who were, you might say, taxpayers or people who were in business and are utilizing these lands for the benefit of everybody, and we feel that people who are in the employ who are experts, have a right, of course, to be on boards, but not on this type of board, because then they are prejudiced toward the line which they represent or are in control of a superior board that will direct them what to do.

The history of most of our game departments is, more or less, that they get into politics sooner or later. They will go through cycles. One time they will go to where they are not in it. Then they will go for a few years and pretty quickly get in and then go for a few years and get out of it again. And it has been felt that we keep this down to the ordinary citizen, then you can call in your experts.

We had the same question come up in organizing these boards. Why not put on these grazing boards these experts out of the Grazing Service? You would have the same thing. The whole idea was to keep it open to the people who are using the lands and not to the experts, but to call the experts in.

MR. McLEAN: In our board we have wildlife representatives. They have been there since the board was set up and we find them very helpful in a lot of cases, just like we have discussed here on the deer and the antelope and one thing or another, and also along with our permits. And I think that the right kind of a man from wildlife on the board would be very useful.

MR. ETCHART: In answer to this gentleman, this resolution does not bar this man you are talking about. He can go on until he dies. It doesn't bar him. It doesn't bar anybody presently serving.

MR. HUGHES: That is correct, on the resolution.

MR. ETCHART: I don't think that should be offensive to anybody. If your people want it, he can stay as long as he is accepted.

MR. LARIMER: I thought in the four-states area that I represent we feel the same way. We don't want professional men on the district board or the state board of the national board, because, in most cases, while they are working in the fish and game department, that is true, the local sportsmen are in no position to say who should be hired. We don't want to have that say. The Fish and Game Commissions are qualified to choose who they want to work for them, more so than we are. We don't want to mess with their local employee problems. We don't feel, on the other hand, that those men can represent us. They don't sit in on our meetings in many cases. Sometimes they are and sometimes they are not. Our state laws in Montana prohibit fish and game employees and the same with the fish and wildlife service, that they are prohibited from holding office in a local sportsmen's group. I think that is probably a good thing, too. But at least, such being the case, they be members of a group, individual members as citizens, that is true, but not being able to hold office or have any real vote in the business of the clubs, we feel then that they are not exactly a part of us.

It is true that fish and game department employees are working for us, but we have nothing to say or any control over their thoughts or their views, and in many cases, as has been true in our own state, the individual sportsmen, the ideas of fish and game departments in some states go contrary to the findings of the range surveys, and that sort of thing. We as citizens are employing these men in BLM to make these range surveys for us. They are experts, supposedly. The same is true in the fish and game department. They are experts, but we don't consider them as part of the board. Why should they be?

It was the idea to keep this thing in the hands of the laymen. We don't need professional men. These man are available on a moment's notice. They are paid employees. All you have to do is ask for them and they will give you all the technical assistance and advice you want, and they don't neet to be members of the Board to give us that information. You should be kept back on the grass-roots levels, as Mr. Etchart phrased it, and in the hands of the laymen rather than the professionals. Thank you.

MR. HUGHES: Any further discussion?

[The question was called for.]

MR. HUGHES: Let's put the question. If anyone doesn't understand the motion, he is entitled to have it reread.

All in favor of the motion say "aye"; opposed. The motion is carried.

MR. McKNIGHT: I have three little short resolutions I would like to have read into the record.

Whereas, the Bureau of Land Management has attempted to realign grazing allotments on Federal Ranges, as a result of recent range surveys which ignore past range surveys and long established allotment lines between permittees; and

Whereas, this has been attempted without the consent of the individuals affected; now, therefore, be it

RESOLVED, that the Utah Cattlemen's Association recommend to the Secretary of the Interior that no realignment of grazing allotments on Federal Ranges in Utah be made unless all parties concerned have consented thereto.

MR. LEE: Will you strike out the word "Utah" in there and make it a general resolution?

MR. McKNIGHT: Yes. Be glad to.

MR. LEE: Are you moving its adoption now?

MR. McKNIGHT: I will move the adoption of that one now.

MR. HUGHES: Moved by Mr. McKnight. Do you second it, Mr. Lee?

MR. LEE: Second it.

MR. HUGHES: Do you understand the resolution? Any discussion?

MR. GERBER: I would just like to ask a question. What if you become aware that a mistake has been made in the first place, don't you think it should be corrected?

MR. McKNIGHT: This probably would stop that.

MR. GERBER: It would stop anything like that.

MR. McKNIGHT: It does have the provision in there, with the consent of the parties concerned, it could be done.

MR. GERBER: But if the person losing the area in question would not consent, you would still have the problem that someone in the first place hasn't gotten their just due, and someone else has gotten above their apportionment. And a mistake has been made and you close the door to ever correcting that error.

MR. McKNIGHT: I believe if we could work out an amendment to it that would permit this to be done in case an error has been shown, it would be acceptable.

MR. GERBER: I bring that up because the very problem occurred in our own district this year.

MR. McKNIGHT: I know places where it has occurred.

MR. GERBER: I don't think we should ever close the door to correcting an error that we made ourselves.

MR. LEE: I thought this would eliminate error or fraud. Fraud would also have to be corrected.

Would you mind rereading it?

MR. HUGHES: "Whereas, The Bureau of Land Management has attempted to realign grazing allotments on Federal Ranges, as a result of recent range surveys which ignore past range surveys and long-established allotment lines between permittees; and

"Whereas, This has been attempted without the consent of the individuals affected; now, therefore, be it

"RESOLVED, That the Utah Cattleman's Association recommend to the Secretary of the Interior that no realignment of grazing allotments on Federal Ranges be made unless all parties concerned have consented thereto."

MR. LEE: I wonder if it wouldn't be better, if you don't mind, that we defer this, and you two get together and rewrite it and bring it back. I think you bring up a very salient point.

MR. HUGHES: I think that would be far better, Mr. McKnight, for this reason. You might have a number of permittees in the same area where you are trying to draw lines. We have that problem right now. Most of them agree. In that case, if one of them holds out, he hasn't consented, then it blocks the whole realignment.

The motion is withdrawn for the present. All right, you said you had two more.

MR. McKNIGHT: I can give them to you.

Whereas, It is to the interest of the cattlemen of the State of Utah to maintain their ranching operations on public lands; now, therefore, be it

RESOLVED, That the Utah Cattlemen's Association oppose withdrawal of any public lands for any purpose that eliminates multiple use.

We are opposed to the establishments of state parks that will disrupt the present grazing pattern. We recommend that efforts be made to establish a multiple use policy, now in effect in the State Parks by law.

MR. LEE: You better rearrange your English in there.

MR. LARIMER: Mr. Chairman, wouldn't it be better, in view of the way this thing is written now at any rate, to change the first part, leave out the "State of Utah." I should say substitute "grazing interests" in that paragraph. And then leave out the last paragraph entirely. It seems that the first resolved part of the resolution, change that "Utah Cattlemen's Association" to the "National Advisory Board Council" and stop there at the end of that paragraph.

Then that covers it very well, just that far, it seems to me. The rest of it is, more or less, explanation anyway; isn't it?

MR. McKNIGHT: I would be glad to make that change.

MR. HUGHES: Let's during the noon hour work it over a little.

MR. McKNIGHT: The third is:

We reiterate our former stand on legislation that would create areas of wilderness use. We favor the multiple use on public lands and wish to see no change in this conception.

We could vote on all of them. Let the vote go until this afternoon.

MR. HUGHES: Very well.

Gentlemen, it is right at twelve o'clock. We had hoped to work where we would get through this afternoon.

Jerry, does the Bureau have anything further to bring up with us?

MR. KERR: No, sir; not that I know of. We do have this Alaska movie that some of the Council members said they would like to see. It takes a little short of a half hour to run. If that is agreeable, we would show that right after lunch at one o'clock.

MR. HUGHES: That would be in the movie room?

MR. KERR: Right here.

MR. HUGHES: Do we want to see the Alaskan movie? All right, will you have that prepared at one o'clock before we start our afternoon session.

Wait a minute. Don't jump up and run around. After we see the movie, do we want to go into executive session or do we have further matters that we want to take up in general with the Bureau?

MR. O'CONNELL: I would like a little discussion on these signs on public lands.

MR. BROWNFIELD: Posting lands.

MR. HUGHES: All right, then we will take that up as soon as the movie is over, Frank, and have a general discussion on the posting problem.

MR. GRIEVE: Wyoming did have some more changes that it wanted in the Code that we are supposed to take up with Jerry.

MR. HUGHES: Yes. I am getting ahead of myself. I am trying to make too much time. We will have to take up those proposed amendments to the Code, too. We never went through those.

MR. KERR: We didn't discuss them. We were working on the amendment of Section 6. And on the discussion of the amendments, providing for the posting of signs, John suggested that, if we could have Assistant Secretary Ernst with us today, that we should defer any discussion until then, so that he would have an opportunity of getting the views of the members of the Council on it. Whether Assistant Secretary Ernst is going to be available, I am not sure. He has indicated he wouldn't be able to come down today. He would be at the cocktail hour. He wouldn't be able to stay to dinner with us tonight. But then that is something else again. If we want to discuss this sign posting regulation, we can do it. Of course, that is up to the Council. We will be here available for the discussion of any part of it.

MR. HUGHES: What we had better do is adjourn until one, with the understanding that we will have the movie at that time and then proceed with the amendments and the posting issue.

[Whereupon, at 12:00 o'clock noon, the meeting adjourned to reconvene at 1:00 o'clock p.m. of the same day.]

AFTERNOON SESSION

1:00 p.m.

MR. HUGHES: Gentlemen, we have a tight schedule. We have asked to have this movie shown. So let's sit down and come to order, and let it roll.

[The movie on Alaska was shown.]

MR. HUGHES: Blank forms for homestead applications in Alaska are up here, any of you desiring to fill them out, they will be available for you.

While we are waiting, I might tell you a good story I heard about Alaska. A Texan heard it was the biggest state in the Union. So he went out and got in a saloon with a bunch of the boys and he said, "I want to be an Alaskan. What do I have to do to be accepted as a citizen?"

They thought awhile and said, "There are three things. You have to drink a quart of whiskey without taking the bottle from your lips. You have to kill a polar bear and you have to make love to an Eskimo."

He drank a quart of whiskey and staggered out, and the boys laughed and the next evening he didn't show up. The second morning he showed up and he was all chewed up and scratched up. His clothes were torn off. And he said, "Where is the Eskimo I have to shoot?"

We will next take up the issue of posting. Maybe there are some of us who don't understand how the term is used. We mean post your land so there is no hunting, fishing or trespassing allowed on it. I assume, however, the Director is using that word in a different sense. So, Ed, will you lead the discussion now?

MR. WOOZLEY: Along last fall, a publication was made in the FEDERAL REGISTER which indicated that there was a proposal to post public lands which were crossed by roads when, in the opinion of the range manager, such posting was necessary. And, as the chairman has just said, we don't consider posting as used in this proposal as you would post your lands for no hunting or fishing. It was intended as an identification, really a marker, to say that these are public lands.

I think this was caused by a few people, I wouldn't say how many, but a few people at any rate, who were using their private lands to block off access to large areas of public lands, mostly for hunting.

We had some complaints in here that people were using their own farms, which was the only access into large areas of public lands, as blocks, and they would allow certain people to go through for a payment of a fee, so that some people were permitted to hunt on public lands and others were not.

After the proposal for posting was published in the FEDERAL REGISTER, we have held some hearings. We might call them conferences, because they are not, in effect, public hearings, and they are not carried on as public hearings, but we sat down with the various livestock associations in the states, fish and game departments, fish and wildlife service, miners, oil and gas leasees, recreationists of various types, and discussed this matter on we think a broader scale than just posting. We discussed ingress and egress, access to lands, roads for management purposes, for resource purposes.

We held the first of our meetings at Winnemucca, Nevada. I think Fred and George were there at the meeting. We discussed posting. And it was decided there in the State of Nevada they had no problem. Practically all the lands were open for hunting and fishing, and the State Game and Fish Department representative said they had no problem in Nevada.

We next held a hearing at Burns, Oregon. Our one representative from Oregon was present, and we discussed the ingress, egress, access problems, and posting for awhile, and then turned to the intense mountain problem, which is peculiar to Oregon.

We later held a hearing in the State of Idaho and at that time Elford Voight and Ralph Falkner were there, as well the other persons I mentioned who represented other areas of public lands. It was a very enlightening meeting and we came away from there with a feeling that if we don't have a problem in Idaho, let's not make one. One of the assistant directors of the State Fish and Game Department made that statement.

We next held a meeting in Salt Lake City. I think Nielson held that for the State of Utah. After the National Wool Growers meeting and the National Cattlemen's meeting in Dallas, Texas, and in San Antonio, we met with a group in Albuquerque, New Mexico, and while Mr. Brownfield couldn't be there, Floyd Lee was at the meeting, and we found in going through the problems in New Mexico that they had some 4300 tracts of land that were less than a section in size scattered throughout the state and they have several, Floyd can tell us how many, but several hundred tracts of land that are under five sections. So the large tracts of land were not problems there. They were the small, intermingled tracts that might be mixed in with private and state lands, mostly fenced in, private allotments. There was no indication they were having any trouble except as I recall, one or two ranches, and I think that had been practically cleared up. Mr. Lee brought up at that time that there were probably more abuses on the public lands by users other than grazers that ought to be curbed, particularly these jeeps that he mentioned yesterday, these jeep clubs.

We held a meeting later in Arizona, and I don't believe either one of you boys were down to the meeting, but you have the minutes. Both the wool growers and the cattlemen were represented, as well as all other agencies that operate in the State of Arizona, and they came up with a resolution which I thought was pretty helpful. I will read it in a minute.

But we had never intended that all of these small, intermingled tracts would be posted. We believe generally that, if more can be done through cooperation at the grass roots, than in any other way. We feel that the management of lands, both private and state and federal lands, must be tied together in a coordinated effort. There must be cooperation in all aspects pertaining to these lands. So we felt that probably on the large blocks of land, such as the tract up in Oregon, that probably the best thing to do would be to get the Fish and Game Department, probably the State Highway Department, the chamber of commerce, Horney County Chamber of Commerce, the City of Burns, the Bureau of Land Management, and to some extent the Fish and Wildlife Service is interested there, inasmuch as they have a refuge there, and would develop a plan before we open the country up, as to who would construct the roads or who would pay for parts of the construction, who would maintain them after they were built, whether or not we would consider opening the land up for small tracts and other factors, when the roads were put in, who would manage the camp sites and parking areas, and who would take care of the wildlife.

We are just working out that plan, and I don't believe we will need to post up there, unless we run into some difficulties; if someone blocks the way, we may have to cite that person and require him to post. But at any rate, that is where we are now.

We brought a map here. This is a map of Mohave County in the State of Arizona. They have railroad grants, I thing, 20 miles on each side of the railroad, alternate sections. It has been very difficult to manage a grazing program in there, as you can see, with the roads that run through. It would be almost impossible to post each of these areas. The wildlife people, sportsmen, if you will, agree that that is a good name to call them, sportsmen feel also down there that if the livestock people were required to post, the public lands that they have, that the next thing they would do is post signs around these and say, "These are private lands," and there will be no hunting. There is a possibility if we post these areas in the extreme, that we may do more harm than good for the sportsmen. And in the State of Arizona, I think only one ranch that is blocking access, we think we can work that out.

So the proposal they made down there, and I think it is one that you gentlemen could well consider, it is very brief and possibly one that the Secretary and his staff might consider, and we will have this reproduced and given to you, but this group recommends that the Secretary of the Interior, where substantial complaint of a specific access problem is brought to his attention, shall issue an order to the lessee, licensee or permittee to show cause why he should not permit access to public domain lands, and that he be afforded a hearing on that order at the closest reasonable place (the county seat was suggested) before either the state supervisor or the district manager, and that, if it be found that public access is necessary and is being unlawfully withheld by the licensee or permittee, then he be ordered to permit public access by the posting of signs or any other method reasonably ordered, and that an appeal be allowed either the licensee or permittee or the complainant.

The motion was seconded by Fred Fitz and carried unanimously. We had every type of land user at this meeting. We had the Director of the Arizona Game and Fish Department, and two of his people. We had the United States Fish and Wildlife Service there. We had the Game Commissioner of the State of Pennsylvania with us as a guest. We had the Arizona Small Mine Operators Association. We had the State Land Commissioner and some of his department, the

Arizona Cattle Growers, the Extension Service. We had a sports writer from SPORTS ILLUSTRATED. And we had the Arizona Department of Mineral Resources, and we had the Bureau of Land Management there. And then we had the Wool Growers there. So it was a pretty representative group. And they felt that this resolution would take care of the situation in that a person who would not cooperate may be required to post, and the ones who were cooperating would not be required to do any posting. I don't know, there may be some questions, Mr. Chairman, but I believe very briefly, that about gives us the picture on the posting situation up to this point.

MR. HUGHES: One thing you haven't discussed, Ed. Let's assume that your block of public land is completely enclosed by private land and there are no existing roadways across. What was your thinking on that situation?

MR. WOOZLEY: I think, first, it would be dependent, Mr. Chairman, on whether or not the particular block of public land had a high value for recreation. If it were just grazing out there and your lands were open for hunting and fishing, we would probably take no action whatsoever. But if it were a place that people liked to picnic or rock-hounds liked to go and gather rocks or pheasant hunting was good in that particular area, and there was a real demand for that piece of land for recreational use, we would try to make an exchange in some way with you, so we could work out access to that, if you own the land surrounding it. If you didn't care to exchange and the tract of land was of sufficient important, we may have to condemn a roadway into the public land to give the public access to it, and let the jury determine what the values were to the land owner, and severance and other things.

But I think mostly it would depend on whether or not it had really good values for recreational use.

We do think there is a possibility where men may have several hundreds or thousands of acres in small isolated tracts, scattered through his allotment or fenced in his field, that, if he wants to post his lands as closed, we may make a very simple exchange of use. We can say, "You have 5000 acres scattered around here. You give us the use of 5000 acres adjoining the highways, and we will post that as being public lands open to the public, and you will proceed to use the other isolated lands as though they were your own, and the public would be permitted to use the 5000 acres."

We will make an exchange use in order to improve the land pattern.

In extreme cases we may do that. We think in other cases where you would like to have a certain part of your field reserved, maybe for cow and calf pasture, or bull and buck pasture, that you don't want hunters in at all, we can work with the State Game and Fish Department and have a three-way posting, which would say something like this, that they are public and private lands, and through the cooperation of the Game Department, these lands are available for hunting and fishing, and please not to hunt in the posted areas, and then post the areas, the Game Department would post the areas you wanted preserved and protected. The Game Department would show it on its records as being a closed area, and yet you would be permitted to hunt on the private and public lands where it is not posted as a closure.

We have several alternative styles of public notice. But we don't think now, gentlemen, it will be necessary to post any great number of lands, only where we find a problem. I have used this parallel. We don't go up on Pennsylvania Avenue at eight o'clock in the morning and stop every car and see if the driver has a driver's license. It would be inconvenient. But if the person breaks the law and does something detrimental to the general public, we pull him alongside and penalize him.

That is the way we look at this. If everything is going along all right and we have no problem, we would like to see it kept that way. The game people and the sportsmen would, too. They are getting the use of millions of acres of private lands now, and they want to keep it that way. We will have to insist the hunters, miners, oil and gas operators, even the people who just drive jeeps, and everything else around, are going to have to organize some way and place their own activities, to some extent.

I think the private land owner is entitled to that protection, and I think it is the only way we can fully protect the public lands to have an awareness of their public responsibility. I am hopeful, after we hold the meetings we have scheduled in Cheyenne and Denver, and we have had no requests for any meetings in California or Montana, I believe that we can work this out, so there will be posting, but only where it is absolutely proven as necessary.

Thank you. I will be glad to try to answer any questions.

MR. HORN: I would like to ask a question of you, Ed. In case of a section of land that would be accessible, but it might be a little longer way around, but it would be accessible, but there might be a shorter way across the private lands, and the hunters like to go in the short way very often, but it was accessible by a longer route, would you probably lay off the posting in that particular area if they were still able to get to this government land, but by a little longer route?

MR. WOOZLEY: I think so. If the land owner didn't want them to go through his land, there we could post, "Follow this road to public lands." We could use several types of posting. If there were a circuitous route in that was travelable that they could get over, I think we would post the road and say, "Travel this road to public lands." That may be the answer. We would have to take each case pretty much on its individual merits.

MR. HORN: That is right.

MR. WOOZLEY: If we can handle it at the district board, so the advisory boards and range managers have a chance to hear the complaints and try to work them out at the grass roots level, I don't think we will have much trouble.

MR. LEE: Mr. Chairman, I move that we pass the resolution that was passed by Arizona. I don't know whether it would be necessary to read that again or not. The wording might have to be changed a little, but I would like to have that expression of going along slowly where we can work this thing out on an individual basis.

MR. KIDD: That was my seventh resolution. I will second that.

MR. HUGHES: I appreciate it was.

MR. KIDD: You make a motion and I will second it.

MR. LEE: I will so move.

MR. HUGHES: I think we understand the gist, the meaning of resolution. Do any of the members want it reread?

[There was cries of "Yes."]

MR. HUGHES: The National Advisory Board Council recommends: "That the Secretary of Interior, where substantial complaint of a specific access problem is brought to his attention, issue an order to the lessee, licensee or permittee to show cause why he should not permit access to public domain lands and that he be afforded a hearing on that order at the closest reasonable place (county seat was suggested) before either the state supervisor or the district manager, and that if it be found that public access is necessary and is being unlawfully withheld by the licensee or permittee, that then he be ordered to permit public access by the posting of signs or any other method reasonably ordered, and that an appeal be allowed by either the licensee or permittee or the complainant."

MR. SWALLOW: May I ask a question. Is it proposed that this resolution be a substitute for the regulation issued in regard to posting by the Assistant Secretary of the Interior?

MR. HUGHES: Do you have the question?

MR. WOOZLEY: Yes. The question was: Would this resolution be considered as a substitute for the proposal made by the Secretary in the FEDERAL REGISTER? I think that is the question.

MR. SWALLOW: Yes.

MR. WOOZLEY: I would say that this should be presented to the Secretary, if I might add this, to supplement the proposal, and that a final posting along this line be published in the FEDERAL REGISTER, and I presume it would be approved in your Range Code.

MR. SWALLOW: In that case, it would seem to be acceptable.

MR. HUGHES: Are there any further comments?

MR. O'CONNELL: I would like to read one Montana resolution by the Public Lands Committee, Montana Association of State Grazing Districts. It says:

"Whereas, The Public Lands Committee of the Montana Association of State Grazing Districts has met and considered the probable effects of the proposed posting requirements as indicated under 161.11(b)5; and

"Whereas, It is recognized by all concerned that the posting of Federal Lands against hunting and fishing is not a serious problem within any of the areas we are concerned with; and

"Whereas, There is little public land within the State of Montana where access is denied; now therefore be it

"RESOLVED, That the above requirement be employed only in those instances where access is denied or federal land is unlawfully posted."

That is signed by Sam Smeding, Chairman of the Public Lands Committee.

MR. HUGHES: Frank, don't you think that embraces the same general principle as is in the motion now before us?

MR. O'CONNELL: I think so.

MR. HUGHES: Let the reporter have your resolution, Frank.

MR. LARIMER: I would like to point out just one thing that might happen. That was in connection with the suggestion made this morning, I don't know who it was, but the sportsmen be charged for the use of public lands or other recreational use, to be charged for, and that is this, that the people who would be charged for the use of that land definitely would want to know where that land is and if they don't know where it is, they will say, "Why aren't we told?"

If the lands are not posted and if they are charged for their use, they will make demand, so they will use them in accordance with the law.

MR. HUGHES: If you come to a recreational use area, such as picnic grounds, camping grounds, and so forth, I think there is merit to what you say.

In our area (and I think it is typical) the hunters do not care whose land it is, whether public or not, and it is a question of trying to work out something that will be giving them access to where they want to go without unreasonable damage. This will fit only the extreme cases. I have had some of the extreme cases. We have had buck pasture with a private road going through it. There was a public road going through the same area back of part of our ranch. They wouldn't use the public road. We strung a lot of wire around the gate of the buck pasture. They wouldn't use it.

Now, with a proposition of this nature, I think probably we would have brought it up and gotten signs like was suggested. "This is a private road. Access to public domain is through a public road, and you should use that public road."

Is there any further discussion? If not, I will call for the question. All in favor say "aye"; opposed "no." Carried.

Is there anything else on the issue of the public having access to the public domain wherever practicable? If not, we will go back to Jerry, with the proposed amendments.

MR. BROWNFIELD: Here is one that might fill in at this particular point. I don't know whether you can read my writing or not.

MR. HUGHES: I will do my best.

Mr. Brownfield suggest this:

"For the purpose of assisting the Bureau of Land Management in improving, protecting and policing the unreserved public lands in the Western public lands states, we recommend that all the state game and fish commissioners or departments of these states set aside a portion of the funds coming to them respectively, to these respective commissions or departments, from licenses, so as to assist in obtaining these results."

MR. BROWNFIELD: I move the adoption.

MR. LEE: Second.

MR. HUGHES: Seconded by Mr. Lee.

I don't like to get my voice in when I am acting in Dee's place as chairman. This was along the line formerly discussed rather thoroughly in Colorado. This was several years back. And the suggestion was made that the minute you take some of their money, you are recognizing their right too much, and they will keep encroaching. I don't know whether that was a good objection or not. I simply bring that up, that that was discussed.

Any remarks on the motion?

MR. STRINGHAM: I don't understand what the funds are going for. What do you have in mind?

MR. HUGHES: They are going for improving, protecting, and policing the unreserved lands, public lands. I quoted that from the motion.

MR. KIDD: Mr. Chairman, I don't understand why there would be encroachment. I think we have all the encroachment there can be. I think we have a lot of game animals. I believe that the state gets all the revenue and there isn't much to say as to how much will be put on, so I really agree that the states, as near as I can tell, are working along pretty well with the stockmen in determining what their carrying capacity will be, and I don't think they want any more than that. They have been in trouble before over that and they have a lot of cases where they are below the carrying capacity, and I don't think there is anything to be disturbed about that.

MR. HUGHES: I was bringing up Colorado's talking on it when we had this question up before.

MR. LARIMER: Mr. Chairman, as I understand that resolution, this is to provide that the sportsman who buys his license pay through that method of using the public lands. That is what it amounts to. You are asking for a portion of the state fish and game funds to be set aside for use for the development of the public lands. When the sportsman then is paying for the right to use the public land, I think most sportsmen would probably be in favor of that, except on this one account, and that is that probably most of them feel that, as citizens, they own that land or part of it. So they can't understand why they should pay to use something they already own.

Then they are interested in the fact that--who are you going to charge? In Montana you have two types of licenses, Class "A" license for hunting and fishing, which gives you the right to fish and hunt small birds and game. Class "AA" is for big game only.

The average sportsman (I should say hunter or fisherman), take myself, maybe I could get on to that public land once a year for one or two days out of the whole year. That is the most I can get out there to hunt. I assume you don't have big game down there. We don't have much fishing down there. The recreationist is the fellow who goes out to picnic. He is using the land more than I am, but he is not paying for it. He may use that land every week-end, during the whole summer for picnicing, or boating or rock-hunting.

I don't know how you are going to equalize this thing. I really don't. For the last three years I have hunted strictly on the private land where I have been invited. I might not hunt on public land for another ten years. I don't know. It has to be equalized some way, so it is fair to all sportsmen.

I know of probably some who might say, "I own the land." The picnicer says, "I own the land, too." The cowman and the sheep-herder says, "I own the land, too." "Why shouldn't I use the land, too," he asks.

That is different. He is using it for profit and using it for seven months out of the year. As an individual sportsman, any use I make of public lands and harvest I take from it, I think is reasonable. How will you equalize the collection of charges involved? It is quite a problem, believe me.

MR. HUGHES: I don't think you could equalize it. You could add a dollar to the license as was suggested, by Wyoming's Congressman, this morning, or you could put a special tax on ammunition and fishing tackle and possibly on the liquor that the boys take. I don't know how you can collect that. You can add a sales tax to some of those items.

If you got it through in Colorado, a dollar on licenses, that would give you a rather substantial fund. I agree that most of that would come from the out-of-state hunters, because we have more--I shouldn't make that statement--I think we have as many out-of-state as we have in-state hunters. I don't know, but I think that.

They probably wouldn't object, and they would only use the public domain once, and maybe not at all.

Is there any further discussion?

MR. LARIMER: As I pointed out, there would be other users who would be getting just as much benefit from the land as the hunter himself and not charged anything. Everybody who uses the land shouldn't be charged equally, I don't think you think so.

MR. HUGHES: I would like to see it.

Following your suggestion, I don't know whether they can take a percentage of oil for this fund, where they use the public land to get the oil and gas. If we could get that, we would have a lot of money to operate with.

MR. O'CONNELL: I believe we are getting into a subject we should stay away from.

MR. HUGHES: The resolution offered by Mr. Brownfield simply states a policy. There is no effort to detail how the policy should be carried out. If it is good policy, we can adopt it, and then worry about whether we can get something done along the line that that policy would recommend. I think you agree with that. It is just a statement of policy.

MR. BROWNFIELD: Yes. I didn't want to defend the resolution particularly. I wanted to hear from the other members first. I followed the suggestion of Mr. Thompson this morning. I don't know how it performs in other states. In my state we cooperate with the wildlife fellows all the time with our range improvement funds, and under the prescription of legislation, it is turned over to the state college and the President appoints a representative in each district to sign the vouchers when the money is spent.

We divide a part of it with the county commissioners, so they can then improve the roads to our ranches. We use the other part in cooperation with the Game and Fish Department in killing predators and things of that kind, and preserve the wildlife, like deer and antelope, as well as our livestock.

It is working beneficially down there. This could be handled very similarly and be of benefit. To that extent I presented the resolution, but I will accept anything that you fellows feel would be better for your state.

MR. DOYLE: We think that something like this resolution would be very helpful in our area coming from this meeting the way it is proposed, a general statement or general resolution. It is going to be particularly helpful in a state that has as much population as California and as much demand upon the public land and the harvesting of big game. We are going to the State Legislature in California during 1960 with this very same thing. We think it would be helpful in our state.

MR. HUGHES: Any further discussion? If not, I will put the resolution. All in favor of it will say "aye"; opposed. Carried.

Are there any other resolutions along this line? My own thinking is that, if we have further resolutions, we had just as well discuss them while the members of the Bureau of Land Management staff are here.

MR. STRINGHAM: Do you want to finish with Utah now? I have a couple.

MR. McKNIGHT: I have mine ready now.

MR. HUGHES: Well, you are both from Utah.

MR. McKNIGHT: On the one that we read this morning:

"Whereas, The Bureau of Land Management has attempted to realign grazing allotments on the Federal Ranges, as a result of recent range surveys which ignore past range surveys and long-established allotment lines between permittees; and

"Whereas, This has been attempted without the consent of the individuals affected; now, therefore, be it

"RESOLVED, That the National Advisory Board Council recommends to the Secretary of the Interior that no realignment of grazing allotments on Federal Ranges be made unless an apparent mistake has been made and recognized by the Bureau and one of the parties affected."

That last paragraph should read:

"RESOLVED, That the National Advisory Board Council recommends to the Secretary of the Interior that there be no realignment of grazing allotments on Federal Ranges unless an apparent mistake has been made and recognized by the Bureau and one of the parties affected."

MR. SWALLOW: Mr Chairman, I would like to ask Mr. McKnight a question. Do I understand that the Bureau is changing its method of survey determination of carrying capacity and on the basis of that new alignments, new areas of range allotments are going to be set up?

MR. McKNIGHT: I can't answer that because it is impossible for me to attend the cattlemen's meeting when this was drawn up and I don't have the background of it.

MR. SWALLOW: I get that impression.

MR. McKNIGHT: It gives that impression.

MR. GERBER: I say I objected to the way this was written this morning for the particular reason in Oregon it has been established through a range survey that an equitable distribution was not made in the first place. It was an error. In order to correct it, you have to have something to do it.

If the resolution, as drawn in the first place, was a law, it would be impossible to do anything, to ever go back and correct an error. I don't think we should think we will never make mistakes, because, undoubtedly, we are, and there should be some way of correcting an error if that has been made.

We have established that an error was made.

MR. SWALLOW: My point is that I think we should clarify this question so we will know how to vote on this. If that is the situation, that the Bureau is now making new surveys, different from the earlier surveys, then it poses a situation that is far more serious than if an error is being corrected.

MR. GERBER: That wasn't exactly the situation. We are now in the process of adjudication after a range survey has been made or is just apparent. This was the only way to find out, by having a range survey.

MR. McKNIGHT: To answer Mr. Swallow's question, probably this is referring back to the old allotments that were made before our recent survey was made and evidently the Bureau has endeavored to go in and make some changes.

MR. SWALLOW: Were the original allotments made on the basis of a range survey?

MR. McKNIGHT: Just a preliminary, ineffective survey.

MR. GERBER: Or just by mutual agreement which proved to be wrong.

MR. McKNIGHT: I would move the adoption of this resolution as it is now.

MR. HAY: Mr. McKnight, what is it you are trying to do? We have provisions in the Code now, surveys for adjudicating the range on priorities and everything. What is it you want to do?

MR. McKNIGHT: Mainly, it is to get the thinking of the Utah people on record here. I don't think it means that we wish to change the law in any way. We just want to recommend to the Bureau that they refrain from making these readjudications of lines.

MR. HAY: We are right back to the old thing, Dan, we talked about every time. We can't tie the Department's hands. If what Bri Stringham told us the other day, if we never had anything, I don't see why you should expect anything. I don't see why you should ask for anything. If you didn't set this up properly, you have no reason to ask that it be maintained. I can't understand that. I don't think whatever you did that was wrong, you should want us to say it is all right. If you never earned it, you shouldn't have it. I don't believe in that, not for one minute. That is contradictory to everything we did here. That doesn't add up.

MR. O'CONNELL: Mr. McKnight, I think that is a question for the local and state board to straighten out.

MR. McKNIGHT: Gentlemen, I am not here to take your time and argue this thing. If you don't want it on the record, we cannot put it on. I was asked to offer it. This morning I read it and you wanted it changed. We made the change that we thought you would accept.

MR. HAY: I think in fairness to you, Mr. McKnight, and the rest of the Board, it should be dropped. I think it should not be before the Council. We can't tell them how to run their land in Utah. We want you to run it on the same rules as all the rest of us.

MR. BROWNFIELD: Maybe I can help a little bit. What you are driving at is on ranges that have not been properly adjudicated--

MR. McKNIGHT: That is right.

MR. BROWNFIELD:--you are not trying to interfere with the proper arrangement in the Code as it is at present at all, because ranges that have been properly adjudicated and permits issued for three years, and can't come back, unless there is an error made. What you are driving at is--

MR. McKNIGHT: When an error has been made, then come back.

MR. BROWNFIELD: Where ranges haven't been properly surveyed. With that amendment, I would go for your resolution.

MR. ESPLIN: I think my neighbor here operates in Arizona too. I know some people who have been dissatisfied. Mabe one person has taken better care of his allotment over a six-year period, and his neighbor says he got the better allotment than he did, and he wants an adjustment. Part of that is due to the management. You will penalize the fellow who has done a lot of work that made it better than his neighbor's and he wants him to move over and give him some of that.

MR. HUGHES: On that situation, I can see it plainly, but I am a little afraid that it is too broad. Here is what comes up. It isn't an individual allotment and this is not tied to an individual allotment. The allottees get disputing whether they should go on in December or the 1st of January, whether they would come off one month or another month, and the management and board make up their minds that the only answer to the dispute is to reallot the territory, giving those who want to go on the 1st of December part of it, and according to their AUM, and they never agree. If this were adopted as part of the Code, there would be no way of making them agree or dividing it up. That is the question that comes up in my mind.

We have that very situation before us now in Sothwestern Colorado, where something has to be done, and the permittees won't agree on, and apparently the only thing to do is for the board and the range manager to make it. It still won't be an individual allotment, but put part in one side and part in another, and divide that allotment.

Is that what you are getting up, that that couldn't be done?

MR. McKNIGHT: I think that could be done. We have several community allotments in Utah that probably will be broken up into smaller allotments in the future, because it isn't working out the way it is now.

MR. HUGHES: Well, I don't know anything to do but put it to a vote. If there is any further discussion, let's have it.

MR. LARIMER: Please read the resolution again.

MR. HUGHES: "Whereas, The Bureau of Land Management has attempted to realign grazing allotments on Federal Ranges, as a result of recent range surveys which ignore past range surveys and long-established allotment lines between permittees; and

"Whereas, This has been attempted without the consent of the individuals affected; now, therefore, be it

"RESOLVED, That the National Advisory Board Council recommend to the Secretary of the Interior that no realignment of grazing allotments on Federal Ranges be made unless an apparent mistake has been made and recognized by the Bureau and one of the parties affected."

MR. SWALLOW: After hearing the resolution read again, I still get the impression that the resolution is based on the fact that a survey has been previously made and that a new survey has been made and the allotment, alignment has been changed.

I would like to have a further explanation of that to see if I am getting the right impression from the wording of the resolution.

MR. McKNIGHT: I can't answer that because I want to say again that I wasn't there.

MR. BROWNFIELD: The reference to the former range survey, there has been no former range survey, and that should be stricken from the resolution.

MR. HAY: They use the word, in fairness to Mr. Swallow, they say, "as a result of recent range surveys." They presume there formerly was a survey and you have a conflict between two surveys.

MR. ESPLIN: I think that resolution states, too, that the lines have been set up. It is not a community allotment. They have been given the allotment, and it is a change in the boundaries of allotments between individuals.

MR. HUGHES: That isn't what it says. That would be one interpretation. To realign grazing allotments. You have five people who have had an allotment. You are going to realign it, when you divide that up into two allotments, with three on one side and two on the other, I would think.

MR. ESPLIN: I got the impression that those allotments had been set up maybe that hadn't been fenced, but each one has an allotment, and they are realigning, trying to adjust them.

MR. HUGHES: You will have to ask Mr. McKnight.

MR. McKNIGHT: I can't answer that.

MR. HUGHES: Gentlemen, we have had a lot of discussion and time is running on us. I am going to put it to a vote. All in favor of the motion say "aye"; opposed "no." The motion is lost.

MR. STRINGHAM: Mr. Chairman, may I proceed now with the resolutions I have. I have presented you with a couple of non-controversial ones.

"The continuous changing of allotment boundary lines by the Bureau has resulted in permittees being penalized for good range management practices where an allotment has been granted to and used by a particular permittee.

"Therefore, in order to provide for stability of the livestock industry and to encourage conservation and good range management practices, the 3-year statute of limitations set forth in Section 161.6(e)(13) of the Federal Range Code for Grazing Districts should be binding up the Bureau of Land Management as well as the licensees and permittees and we recommend that Section 161.6(e)(13)(i) of the Federal Range Code for Grazing Districts be amended to read as follows:

'(13)(i) No readjudication of any license or permit, including free use license, will be made on the claim of any applicant, intervenor or the Bureau of Land Management with respect to the qualifications of the base property, or as to the livestock numbers or seasons of use of the federal range allotment where such qualifications or such allotment has been recognized and license or permit has issued for a period of three consecutive years, or more, immediately preceding such claim.'"

A resolution to this effect was passed by the National Wool Growers in the annual meeting held in San Antonio, Texas, January 1960.

And you were there, Floyd.

MR. LEE: I second your motion.

MR. HAY: The only change is the words "or the Bureau of Land Management"?

MR. STRINGHAM: That is all.

MR. GERBER: I want to ask you one question. In the beginning of your last big paragraph you say, "No readjudication".

MR. STRINGHAM: That is the law now.

MR. GERBER: You mean this man has been adjudicated at one time?

MR. STRINGHAM: That is right.

MR. GERBER: Following a range survey, is that the idea?

MR. STRINGHAM: That is right.

MR. GERBER: You see the position we are in. We didn't have a soil survey and now it is discovered with a soil survey it is discovered.

MR. STRINGHAM: It is all right.

Question on the motion.

MR. HUGHES: Any further discussion?

MR. LEE: I doubt whether he got exactly what this is doing. You see, they put a three-year limitation on us where they can't tear up an allotment.

MR. GERBER: That is right.

MR. LEE: What this is going to do is put a three-year limitation on the government, where they can't tear up the allotment, where it has been well adjudicated and established. Did you get that?

MR. GERBER: Yes. After the adjudication has been properly made, then I will go along with that. Ours has not been properly made and I think the error should be corrected.

MR. GRIEVE: Is Jerry Kerr down there? Haven't we this same thing in the proposed changes in the Code already in the hopper?

MR. KERR: It is worded differently.

MR. GRIEVE: It has the same meaning as this.

MR. KERR: The purpose is the same, to prevent the Bureau from attacking an adjudication that has been made.

MR. GRIEVE: Will you give us the status of that?

MR. KERR: That is being reviewed now along with other amendments to the Code which were considered by the Council last year before submitting them to the Department. That was up in the Solicitor's Office being reviewed. I asked Mr. Chapman to bring it down so I could have it for reference.

The way the section reads that was approved by the Council last year is this way:

"No readjudication of any license or permit, including free use license, will be made with respect to the qualifications of the base property, or as to the livestock numbers or seasons of use of the federal range allotment where such qualifications or such allotments have been recognized and license or permit has issued for a period of three consecutive years or more, immediately preceding such claim, except on the grounds of gross misrepresentation or fraud at the time of adjudication."

MR. GRIEVE: It accomplishes the same purpose.

MR. HAY: He leaves out the words "or the Bureau of Land Management".

MR. KERR: It was all left out, the wording he has here.

MR. LEE: You leave the important part out, Jerry, "or the Bureau of Land Management".

MR. KERR: I leave it all out or you did the last time. This is the way the regulation reads now: "No readjudication will be made on the claim of any applicant, intervenor" and then Bri adds the words "or the Bureau of Land Management".

Now the way you adopted it last year was that claim thing was left out entirely. You said: "No adjudication will be made with respect to the qualifications of the base property". You didn't say on the claim of anyone. In other words, it is applied to BLM just as well as it did to an applicant, or intervenor, or that was the idea.

MR. HUGHES: Assuming Jerry is right in his interpretation, what is added here, rather what change is made, is to leave off the last words, "except on the grounds of gross misrepresentation or fraud at the time of the adjudication."

Assuming use of language is correct, if you don't name anybody, it covers everybody in the forepart of the resulution, the only issue between us are those last words. Now does the Council wish to leave those words out?

MR. JONES: I would like to quote two cases that we had come before our Twin Falls district board in Idaho in our last meeting. We always stated that we feel like the boards and grazing could thrash out all these problems, but sometimes, on account of the Code, the Board agrees or passes on a case, and then our district manager can't go along with us on account of the Code, and along this line, we had two cases. We had one case that was a board member, when we first started he was on there for two or three years, and he has been adjudicated twice, and now it came before the board this spring that he lost part of his base property, and, well, remember, when he applied back in '36 or '37, we were asked to submit all of our own and leased ground. This certain person, he didn't need this leased ground and he submitted this leased ground, and since then he lost that ground, and somebody else got that piece of ground, in which according to the Code, then, it couldn't be transferred off sometime in 1946, or something, and anyway, he didn't do it. So the first board meeting he was rejected and reduced so many animal units and he had been readjudicated twice, and he had plenty of base property without this leased ground, and our Board felt like he was getting an injustice, so we voted that they shouldn't cut him this 30--I forget how many animal units. We felt like he shouldn't.

Well, our district manager, he would like to go along with us, but on account of the Code, we had it rejected.

Then we had another case that was an ex-board member. He was until a year ago. Before he could transfer the thing off his ground, he brought a deed that was brought in before the grazing to show there was a partnership between him and his sister and his dad, and he showed a will of his father, after his father's death, that this piece of property would go to the daughter, but all the grazing rights would go to him, where he had ample base property, and he was accepted.

Those both came before the board and we have a pretty good board there, and they had been adjudicated twice and on this first case we figured that, if there was any reduction, it should have come out of that adjudication, not come out now, and if I understand it right, the board went for their not reducing him, but I understand according to the Code, they would have to reduce him.

MR. HUGHES: That is on the leased land.

MR. JONES: That is part of his base property. One was leased and one was owned. The one where this will he claimed he brought it before the board. The board members don't go over our board member cases, and they were both previous board members, but now they are not, and the cases came up before the board, and we didn't feel like they should be penalized, our board.

In most cases we are pretty agreeable with our district manager. In these two cases we didn't feel like we could go along, we didn't feel like these two gentlemen should be penalized, although we know it says in the Code, if you lose some of your base property, you should lose some of your rights. We felt that these individual cases are different.

MR. HUGHES: I don't know if that is covered by this. If you leave the words out, I want to bring up a case that was covered. You will see the illustration. There were two brothers operating together. One of them made application and got a public domain permit. The land was in his name. The other brother then died. The widow of the other brother after three years had elapsed, then came in and said they were owners of the land jointly, and that it was a fraud on her rights not to have adjudicated that land jointly. And the board went over it, heard the evidence and decided against her, and, of course, she had a right of appeal on that issue of fraud on the part of her brother-in-law at the time he obtained the permit.

That is the reason I argued a year ago that we should leave those words in there. If we want to take them out, we want to bear that in mind, what we are doing. That is something else, to illustrate it, where a partnership exists, let's say, and his partner does not live in the state, gets an adjudication in his individual name. His partner doesn't find it out for three or four years, and we want to slam the door on him, or do we want to say that, if the fraud actually existed there, that a readjudication should be had, and the proper parties determined as permittees?

MR. STRINGHAM: I accept your suggested amendment.

MR. HUGHES: Leave those words in?

MR. STRINGHAM: Yes.

MR. KIDD: Mr. Chairman, in support of Mr. Jones, at the time this one case came up, he brought a copy of his father's will, and there was no provision for you to transfer in 1939, and the Bureau accepted that father's will as being evidence enough, but it is through the revision of the Code in 1956 that this came up now, and the manager claimed that that won't hold now. So he has to be reduced.

MR. HUGHES: All right. As the motion stands, the mover will put in the last words that appear in the old Code provision, "except in the case of fraud and misrepresentation." I forget exactly what they are. And that leaves it only spelling out that it is binding on the Bureau of Land Management, which Jerry says is in the old one and has no objection to our making the language a little clearer, I assume.

Is there any further discussion on it?

MR. KERR: One suggestion: Mr. Chapman makes the suggestion that it should be "gross error, misrepresentation or fraud." As it is now it is "gross misrepresentation." I think with the addition of the word "error," it should read "gross error, misrepresentation or fraud."

MR. HUGHES: Is that satisfactory?

MR. STRINGHAM: Yes.

MR. McKNIGHT: That is correct.

MR. HUGHES: That is right, your partner in crime made the motion.

All in favor of the resolution with those amendments as suggested, make it known by saying "aye"; opposed "no." The motion is carried.

MR. STRINGHAM: Mr. Chairman, just a very short one.

"We urge the National Advisory Board Council to go on record as favoring three-fourths of an acre for cabin and home sites instead of the five acre tract now in practice in some districts administered by the Bureau of Land Management."

We will give these homesteaders and fishermen and sportsmen and everybody else five acres.

MR. McKNIGHT: I am seconding the motion.

MR. HUGHES: The motion, do you all understand, goes to these small homestead provisions to reduce the possible acreage to be obtained from five to three-fourths of an acre; is that right?

MR. STRINGHAM: That is right.

MR. HAY: Mr. Chairman, I am opposed to that. After all, these lands have to be appraised and, if anything, it ought to be made larger and it ought to be more difficult. I think we ought to leave that alone. The Department has to work these things out, and five acres or three-quarters of an acre tract, you couldn't get your houses far away from the outhouse to get away from the odor. That is not practical. I don't think we should get down to things like that. That is a matter of policy for the Department to work out. If they want to make it one acre or five acres or ten acres, that is their business. I don't think that we are acting like reasonably good, sound men when we try to pin these things down like that.

I will have to oppose that.

MR. SWALLOW: I want to endorse Mr. Hay's statement. I feel that this 5-acre tract is not objectionable. I feel it is reasonable and, if anything, the amount of acreage should be enlarged.

MR. HUGHES: Further discussion?

MR. STRINGHAM: We are having a lot of trouble with this, and I can't understand the argument that 5 acres is necessary to put a house on. You know what three-fourths of an acre is. There is ample room for a house.

MR. HUGHES: The normal city block is three acres.

MR. STRINGHAM: The larger you get it, Mr. Swallow, the more water holes you will tie up for these people who come up with a little cabin.

MR. HAY: If you give them something, let's give them something they ought to have.

MR. STRINGHAM: Your argument is we shouldn't bother with this thing. Let the Department do it. In everything else we did today, we have told the Department what to do.

MR. HAY: That is not my argument. My argument is that we have no business fooling with this. We have to be reasonable about it. If you take an acre of land and put it in the average subdivision and take your streets and alleys out, you can build five houses. If you are going to have a site out in the country, three-quarters of an acre is nothing. Five acres is not unreasonable.

MR. HUGHES: Any further discussion?

MR. BROWNFIELD: Question.

MR. HUGHES: All right. All in favor of the motion say "aye"; opposed "no." The motion is lost.

On behalf of the Utah delegation, I will read one more.

"Whereas, The Bureau of Land Management has available in fiscal year 1960 $3,733,900 for Soil and Moisture Conservation to provide treatment of 1,597,000 acres in the ten Western States; and

"Whereas, The budget as presented to the Congress for fiscal year 1961 provides $3,252,500 for this purpose, which will reduce the acreage treated to 1,403,000; and

"Whereas, This reduction in funds and acreage treated will retard essential rehabilitation of grazing lands under the jurisdiction of the Bureau of Land Management and have an adverse effect on the carrying capacity of those lands; therefore be it

"RESOLVED, That the Senate Appropriations Committee be requested to give consideration to appropriate an additional $481,400 to bring the 1961 Soil and Moisture program of the Bureau of Land Management to the level of the 1960 appropriation."

Any remarks on that resolution?

MR. STRINGHAM: That isn't Utah, that is everybody.

MR. HORN: Question.

MR. HUGHES: All in favor of the resolution say "aye"; opposed. Carried and adopted.

Are there any further resolutions?

MR. GERBER: Along that same line I have a resolution from the Oregon district:

"Whereas, The public range, watersheds, and game habitat potential is woefully neglected for lack of appropriations to the Bureau of Land Management, custodial agency; and

"Whereas, The cash receipts received from natural resources exceed seven times the cost of operating expenses; and

"Whereas, Funds expended on development of public range, watershed and game habitat should be considered as a profitable investment in a great renewable resource essential to basic economy and recreational values; and

"Whereas, Conclusive experimental restoration work conducted by the Bureau of Land Management on typical depleted or undeveloped areas discloses that in instances where 20 acres of land were required to support one animal unit or four game animals, said 20 acres could be restored to support 4 animal units or a corresponding number of big game animals and at an initial cost of approximately $5 per acre; now therefore be it

"RESOLVED, That said long-range master plan should contemplate a minimum appropriation of $4 per reclaimable acre, to be expended on a matched fund basis with private moneys; [and be it further]

"RESOLVED, That the sense of this resolution be communicated to the National Advisory Council, and to the Director of the Bureau of Land Management."

I move that resolution be adopted.

MR. McKNIGHT: Second.

MR. HUGHES: You have heard the resolution. It is along the same general line. It goes into a little more argument. All in favor of the adoption of the resolution say "aye"; opposed. That is adopted.

MR. ESPLIN: First I have here a statement of information from the U. S. Fish and Wildlife Service of Arizona. Mr. Everett Mercer has issued this, and this first document is pertaining to this new law that is in Congress, and some of the pressures that are being put on it regarding the method of trapping. What I would like to do is give this to the clerk and put it in the record, if that is agreeable.

MR. HUGHES: Unless there is objection, you can give it to the reporter so he can put it in the record.

[The documents referred to follow:]

UNITED STATES DEPARTMENT OF THE INTERIOR

U. S. FISH AND WILDLIFE SERVICE

BUREAU OF SPORT FISHERIES & WILDLIFE

Phoenix, Arizona

Memorandum of Information February 17, 1960

From: District Agent, PARC Phoenix, Arizona

Subject: S. 2030 and H. R. 5737 (companion bills)

The attached file is self-explanatory.

As a result of renewed activity of Defenders of Wildlife following the successful presentation of the so-called "Wild Horse Bill" by Velma B. Johnson, the Washington Office of the Bureau of Sport Fisheries and Wildlife has received several hundred letters during the past two months from members of Defenders of Wildlife urging passage by the National Congress of S. 2030 and H. R. 5737. Attached is a copy of the approved reply by the Bureau of Sport Fisheries and Wildlife.

The House Committee on Judiciary and the Senate Committee on Interior and Insular Affairs have, no doubt, received a much greater volume of mail on the subject.

The proposed legislation would prohibit the placing of any trap, snare, net or other device which was not designed to trap or capture any animal or bird painlessly or kill it instantly and would require the inspection and emptying of any trap, snare, net or other device at least once every 24 hours, including those designed to capture painlessly or kill instantly. These provisions would apply on all lands under jurisdiction of the United States. Severe penalties are prescribed for violations.

Enactment of the legislation would make control of the larger predators on all lands in Arizona under U. S. jurisdiction (except Indian lands) exceedingly difficult. The Bureau of Sport Fisheries and Wildlife knows of no effective and efficient methods of capture which would comply with a strict interpretation of "painless capture" or "instantaneous kill." Under a broader interpretation, the humane coyote getter, which usually kills a coyote in a matter of seconds, or any other device designed to kill large predators instantly, would be severely limited by safety considerations. The effect of the 24-hour requirement is evident in areas where trappers may be involuntarily weathered from their lines or where it is necessary to run extended lines to protect property.

This legislation, if enacted, will apply to private trappers as well as to those employed by Governmental Agencies.

Everett M. Mercer

UNITED STATES

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

BUREAU OF SPORT FISHERIES AND WILDLIFE

Washington 25, D. C.

We have been requested by the Secretary's Office to reply to your recent letter relative to humane trapping bills S. 2030 and H. R. 5737 of the 86th Congress.

We are in general agreement with the objectives of the proposed legislation with respect to humane trapping methods. However, the Department has recommended that it not be enacted. We believe its provisions with respect to the "painless capture" or "instantaneous kill" requirements are impractical of attainment at present, that unsurmountable enforcement problems would stem from unrealistic regulations, and that the Federal Government would be imposing regulations in an area legally recognized as the State's authority.

The Bureau of Sport Fisheries and Wildlife has for many years devoted research and field effort in searching for more effective and more humane traps. The American Humane Association has, through its $20,000 Humane Trap Contest, focused the best trapper brains in the country on the problem. The Bureau is pleased to be represented on the Association's panel of judges which is made up of internationally known authorities in the wildlife field. We have a high regard for the inventive genius of American trappers, and are confident that as more effective and more humane traps are developed, trappers are the first to take advantage of them. We believe they can best do so under applicable State laws which, with few exceptions, now exercise regulatory control over the taking of game, fur, and predatory animals.

"Please be assured of our continued efforts to improve humane trapping methods.

"Sincerely yours,

"Acting Director"

AUTUMN 1959

Dear Member:

We know you are most anxious to hear of the progress of the Trapping Bill S. 2030, introduced by Senator Richard L. Neuberger and the House Bill, H. R. 5737, introduced by Representative William S. Broomfield of Michigan. A reprint of Senator Neuberger's speech and a copy of the bill was sent to you in the Summer Bulletin. If you did not receive them please let us know and we shall send you duplicate copies. The Senate Bill is now in the Public Lands Sub-committee. A listing of members is enclosed.

The evaluation of these bills at the time of writing this letter is that we could get the bill passed in the Senate if we can keep up the drum fire of letters to the Committee over a period of time. We must not get discouraged-We must be hopeful for a passage in the 86th, 87th, or even the 88th Congress. It is our fight. This is a measure which will take great public effort; which in turn requires public education.

There is a possibility that we might move the bill in the House in the last session of the 86th Congress. The House bill is now in the hands of the House Committee on the Judiciary. A listing of members is enclosed.

Do not stop writing because Congress has adjourned. Keep your letters going. They will all be there when Congress convenes in January. We are sure, if all 12,000 of our active members write to one member of both committees, the bill will be passed in 1960.

You as a member of Defenders of Wildlife cannot stand by and do nothing. We have taken the lead in this fight and we must continue to lead. It is up to us to get the bill passed.

Katherine W. Bryan,

Executive Secretary

86th Congress

1st Session S. 2030

IN THE SENATE OF THE UNITED STATES

May 21, 1959

Mr. Neuberger introduced the following bill: which was read twice and referred to the Committee on Interior and Insular Affairs.

A BILL

To require the use of humane methods of trapping animals and birds on lands and waterways under the jurisdiction of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 41 of title 18 of the United States Code is amended by placing the prefix "(a)" before the present section, and by adding at the end thereof the following new subsection:

"(b) (1) Any person who, upon any land or waters owned by or under the jurisdiction of the United States, places or causes to be placed any trap, snare, net or other device designed to trap or capture any animal or bird in any manner by which the animal or bird is not either captured painlessly or killed instantly, or who, having placed a trap, snare, net or other device, fails to inspect and empty it at least once every 24 hours, shall be fined not more than $500 or imprisoned not more than six months, or both.

"(2) The Secretary of the Interior is authorized to conduct such tests and to promulgate such standards, rules and regulations as he may deem necessary to the execution of this subsection.

"(3) No provision of this subsection shall apply to any case in which its application would be contrary to any treaty obligation of the United States to any Indian in effect on the date of enactment of this section."

SEC. 2. The provisions of this Act shall become effective on January 1, 1960

- - - - - - - - - - - - - - - - - -

86th Congress

1st Session

S. 2030

A BILL

To require the use of humane
methods of trapping animals and
birds on lands and waterways under
the jurisdiction of the United
States.

BY Mr. Neuberger

May 21, 1959

Read twice and referred to the
Committee on Interior and Insular
Affairs.

[Notation in ink: The Interior Department reported against the bill.]

FUR COATS, WILD HORSES, AND CONGRESS

BY Jocelyn Arundel

Long before the first autumn colors tinted leaves, store windows across the nation were heralding cold weather fashions. Fur was to be a major fashion note. Necklines heavy with fox faced into summery streets. Hamster pelts lined a black bolero jacket. The fur coat merchants broadcast their usual seasonal bargain spectaculars.

Of the passers-by who scanned the windows, a few may have wondered about the once lovely animals draped on plaster mannequins. A few may have wondered briefly how they died. This taking of life for fashion's sake ... had the end been mercifully quick? or had some past season witnessed a lonely small scene of agony and terror? Had steel teeth bittin to the bone of a small paw, holding fast for days?

As the people wondered, others were busy on the trapping question. On Capitol Hill, a bill listed as S. 2030 was introduced by its author, the Hon. Richard L. Neuberger, H. R. 5737 introduced in the House by Rep. Broomfield (Mich.). These bills would outlaw use of inhumane trapping methods and make mandatory a daily inspection of traplines. For two years, or since the bill was first introduced, Defenders of Wildlife has spearheaded the drive for its passage.

Though Congress adjourned without taking action on S. 2030 or H. R. 5737, methods of trapping animals were beginning to loom large in the minds of Americans. Will the bill pass? Will our Congressmen be mindful of the welfare of our wildlife and natural resources as they are mindful of the welfare of our people?

Into the minds of the thinking people came the thoughts of a determined Nevada ranch lady with the nickname of "Wild Horse Annie."

Velma B. Johnston stormed into the Nation's Capitol, mad as a hatter and went straight to Congress. Not only Capitol Hill, but an entire nation was dismayed by her accounts of wild horses, trapped with planes and trucks. The animals were buzzed by air, chased and terrified into exhaustion and helplessness. They were ridden down by trucks, roped and thrown. Water holes were being polluted by horse hunters who sold the dead animals for pet food.

"Wild Horse Annie" demanded action and won it. Congress hastily passed a bill prohibiting the use of aircraft and motor vehicles in hunting wild horses or burros on federal lands, also barring pollution of watering holes on public ranges.

Velma Johnston's success set an example. A similar show of sentiment and determination from citizens could help rush the long delayed humane trapping bill through the next Congress. While the picture of wild horses brutally exploited is not pretty, it is no uglier than the sight of a fox or a muskrat, mutilated and bleeding, agonized in a crudely designed trap.

While no trap is kind, better ones do exist. Defenders of Wildlife is once again urging its members to write letters. Send them to your Congressmen, and to the Committees.

DEFENDERS OF WILDLIFE

3310 Dent Place

Washington, D. C.

Bill H. R. 5737 Rep. William S. Broomfield

House Committee on the Judiciary

House Office Building, Washington 25, D. C.

H. Allen Smith, California
George Meade, Michigan
Allen H. Bosch, New York
John E. Henderson, Ohio
John V. Lindsay, New York
Wilbur T. Cahill, New Jersey
Byron G. Rogers, Colorado
Harlon D. Donohue, Massachusetts
Jack Brooks, Texas
William M. Tuck, Virginia
Robert T. Ashmore, South Carolina
John Dowdy, Texas
Lester Holtzman, New York
Basil Whitener, North Carolina
Roland V. Libonati, Illinois
J. Carlton Loser, Texas
Herman Toll, Pennsylvania
Robert W. Kasenmeier, Wisconsin
George A. Kasem, California
William M. McCulloch, Ohio
William E. Miller, New York
Richard H. Poff, Virginia
William C. Cramer, Florida
Arch A. Moore, Jr., West Virginia
Emanuel Celler, New York
Francis E. Walter, Pennsylvania
Thomas J. Lane, Massachusetts
Michael Feighan, Ohio
Frank Chelf, Kentucky
Edwin E. Willis, Louisiana
Peter W. Rodino, Jr., New Jersey
E. L. Forrester, Georgia

Bill S. 2030 Senator Richard L. Neuberger

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Senate Office Building, Washington, D. C.

James E. Murray, Montana
Clinton P. Anderson, New Mexico

Henry M. Jackson, Washington
John C. O'Mahoney, Wyoming
Alan Bible, Nevada
Richard L. Neuberger, Oregon
John A. Carroll, Colorado
George W. Malone, Nevada
Arthur V. Watkins, Utah
Henry Dworshak, Idaho
Thomas H. Kuchel, California
Frank A. Barrett, Wyoming
Barry Goldwater, Arizona
Gordon Allott, Colorado
Kenneth Keating, New York
Frank Moss, Utah
Ernest Gruening, Alaska
Thomas E. Martin, Iowa

Bill S. 2030 Senator Richard L. Neuberger

Senate Sub-Committee on Public Lands

Senate Office Building, Washington, D. C.

Clinton P. Anderson, New Mexico
Joseph C. O'Mahoney, Wyoming
Richard L. Neuberger, Oregon
Henry Dworshak, Idaho
Frank Moss, Utah
Ernest Gruening, Alaska
Thomas E. Martin, Iowa

MR. ESPLIN: I have some editorials from the BREWERY GULCH GAZETTE, which have been very, very stinging, and opposed to the use of 1080 and cyanide guns, and there is a letter here that they quote from Mr. Hayden. They had written Mr. Hayden and he answers back what he thinks of it and their arguments. And I would like to also submit this here information and what I am interested in is for the Department to know the pressure that we are having on us out there in the use of 1080 and hand trapping in the control of predatory animals. If it is agreeable, I would like to have it copied into the record.

MR. HUGHES: If there is no objection, they will be copied into the record.

[The documents referred to follow:]

Brewery Gulch Gazette January 21, 1960

ON COMPOUND 1080 WASHINGTON, D. C.

Dear Mr. Epler:

Shortly after the receipt of your letter of December 3, I sent it and the marked copy of your column to the Commissioner of the Fish and Wildlife Service. The substance of the response that I have received is as follows:

"We can understand Mr. Epler's regard for coyotes as an authentic part of the West. We believe they will continue to be, but we doubt they will change into 'valiant and harmless little animals.' Many cattlemen have never experienced any coyote predation -- but many have. Coyote predation on calves is apt to be erratic and seasonal and associated with an abundance of coyotes. Adjoining cattle ranchers frequently report conflicting experience during the same calving time. When predation occurs it usually cuts deeply enough into profits to be worth correcting. We agree coyotes are sometimes blamed for things not of their doing, but coyotes did not get their reputation with sheep just on suspicion. We feel the editorial does sheepmen's views an injustice and that through long experience they have good reason to regard coyotes as a threat to profitable operation.

"The history of State-Federal cooperative coyote control in Arizona is one of responsible and serious effort to keep depredations within acceptable limits in a manner beneficial to the overall interests of the State's economy. You are doubtless aware of the continuing interest in the State predator and rodent control program by the Arizona State Live Stock Sanitary Board, Forest Advisory Boards, the Arizona Cattle Growers' Association, Tribal Councils, The Arizona Game and Fish Commission and other representative organizations.

"We were gratified to receive a copy of the Arizona Cattle Growers' Association's resolution No. 21, passed at their annual convention in Yuma on February 5-7, 1959, which read as follows:

'Whereas, A request has been made by the Fish and Wildlife Service for our comments upon the 1080 coyote control program; now, therefore, be it

'RESOLVED, That the Arizona Cattle Growers' Association does hereby approve the Fish and Wildlife Coyote Control program, provided annual consent of the land user, and adjoining land users of the time and places of depositing such bait.'

"We are increasingly aware that Arizona's human population of nearly 1-1/4 million is still growing rapidly and that its interests are becoming more and more diverse. Apart from the economic aspect, we believe that responsible, competently directed efforts to limit pest animal interference with human interests is also a direct contribution to the over-all conservation of wildlife resources.

"Yours very sincerely,

"Carl Hayden"

(EDITOR'S NOTE - I thank Senator Hayden for the action he took in the above matter and for relaying the answer from the Commissioner of the Fish and Wildlife Service. Senator Hayden, who has served Arizona admirably since it became a state, is a busy man and we appreciate his taking time to inquire into the subject.

(Personally, I think the reply from the Commissioner is typical, oh so typical, of the bureaucratic gobbledegook that has been developed and perfected to a fine art in Washington. In essence, it says, "We know what we are doing, it's none of your business and please go away, leave us alone and keep your damned nose out of our business."

(If the Commissioner thinks I am going to accept that answer and forget about the subject he has another think coming. I am not a crusader or a zealot, but do think the 1080 and cyanide gas gun business stinks and intend to say so, as well as try to do something about it.

(In his reply, the Commissioner skipped over a lot of points made in my column under discussion, including the one that elimination of the coyotes in a given area has created new problems, such as the porcupine rampage in many western areas. I would like an answer to those points.

(The Commissioner might be interested, relative to his quoting the resolution by the Arizona Cattle Growers' Association, that one of the members of the Board of Directors of said association is wholeheartedly opposed to the use of 1080, says he has others supporting his views and that action at the next annual meeting may and quite likely will be far different. He also overlooks the fact that SOME cattlemen (thank goodness they are not in the majority) would like to see ALL wildlife eliminated from their ranges so they can have all the feed for their cattle. And these same cattlemen are treating wildlife like they used to treat the sheepmen and nesters (homesteaders) in the early days.

(The last sentence in the Commissioner's letter is another example of gobbledegook. He says, "Apart from the economic aspect, we believe that responsible, competently directed efforts to limit pest animal interference with human interests is also a direct contribution to the over-all conservation of wildlife resources.

(In the first place, although I am admittedly a little thick, I can't nail down any specific meaning in that slippery sentence. In the second place, while he says "we believe," he doesn't even claim that the Fish & Wildlife Service program is "responsible" and "competently directed." I, and many others, don't believe it is and as time goes by will show some of the reasons why.)

(In connection with letter, see Mule Mountain Moonshine printed elsewhere in this issue.)

BREWERY GULCH GAZETTE January 21, 1960

MULE MOUNTAIN MOONSHINE By Bill Epler Bisbee, Arizona

About a month ago I commented at some length in this column about the despicable Compound 1080 and cyanide gas gun poison campaign being carried on, particularly by the U. S. Fish & Wildlife Service, against the coyote.

The response has been large, mostly unanticipated, as I had no idea so many people are aware of and concerned about the poison program and its many ramifications. The response, completely in favor of the stand put forth by the column, came from subscribers, from officials and others admirably equipped by experience and position to give comment worth considerable weight and from elected public officials to whom I sent copies of the column or who received them from subscribers.

There was one dissenting comment and it came from the Commissioner of the Fish & Wildlife Service and relayed to the GAZETTE by Senator Carl Hayden. Since the program is under the jurisdiction of the Commissioner, there was hardly any other stand he could take.

The report from the Commissioner is reprinted in the Letter to the Editor columns on Page 2 of this issue.

The response from GAZETTE subscribers brought a wealth of information relative to the use of Compound 1080 and the cyanide gas guns, particularly the former. It contains facts, authoritative testimony and authenticated reports of the widespread destruction caused by 1080 and it adds up to what is indeed a sordid affair.

One of the facets of this column in the weeks and months to come will be the presentation of some of this information, the response from the publishing of the information and whatever answers we are able to get from elected and appointive public officials from letters, information and columns we send them. In some cases we don't expect it will be too much.

As we dig into the 1080 situation we find it goes much deeper than just the goal of outright eradication of the coyote. We find it often results in the complete destruction of wildlife in a given area and with concentric rings of lesser destruction completely surrounding the area. Much of this wildlife, in the form of game animals, birds and rodents, is beneficial to man, and its destruction creates new problems of far more concern than the depredations of the coyote or whatever animal whose destruction was the original object of the poison campaign.

As we pointed out in our previous column, the elimination of coyotes in many areas has brought about an imbalance in the porcupine and prairie dog populations to the extent they are causing far more damage than did the coyotes.

It makes about as much sense as blowing the end of your foot off with a shotgun because you have a painful ingrown toenail.

If 1080 was a poison that just killed the selected target it wouldn't be so bad. But, it not only kills anything that comes upon it, it also has a continuing and chain reaction effect.

An example of how it works goes like this:

Mr. Coyote, out for a meal, comes across some bait loaded with 1080. He chomps it down and continues his foray. Within a few seconds there comes a firey gnawing at his guts and as he dies a horrible death he throws up some of the tainted meat -- and the poison.

A buzzard, member of the family that takes care of nature's garbage detail, wheels overhead, spots the dead coyote and descends for a meal. He takes a few bites and staggers or flies away and also dies.

Various members of the animal and bird kingdom, including the badger, the ground owl, eagle, etc., come along and sample either the carcass or the regurgitated meat and suffer a similar fate. Sometimes the poison is carried to the den or the nest and an entire family is wiped out.

Also, the 1080 has the insidious capacity to retain its full deadliness for a long time, hence the carcass or any other residue is loaded with death for months to come.

We have information that some states and areas have banned the use of 1080, and through trapping programs and bounties have been able to control predator problems effectively and at far less cost, to say nothing of not creating the many ramifications that go hand in hand with the use of 1080. As time goes along we also shall publish some of this information.

At this point I would like to comment that we are not out for anybody's scalp, we have no grudge to settle and that we realize predator control is a sometimes serious problem. Our only aim is to halt the wholesale use of 1080 and the cyanide gas guns, feeling they are too vicious and abominable for our society, and because in addition they serve no useful purpose as the problems they create are worse than the ones they are purported to solve

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MR. ESPLIN: I have some resolutions. This one was in last year. It is practically the same.

The State Advisory Board, composed of representatives of all Grazing District Advisory Boards in Arizona, in a meeting at Phoenix, Arizona, on February 4, 1959, adopted the following resolution:

"Whereas, The San Carlos Apache Indian Tribe ceded to the United States of America, in the year 1896, certain lands adjoining their present reservation. These lands, commonly referred to as the 'Mineral Strip,' consist of approximately 232,320 acres, 32,000 acres of which have since been patented and are in private or state ownership; and

"Whereas, Application has now been made to the Secretary of the Interior for the return of said ceded lands to the Tribe, the same to become a part of the San Carlos Apache Reservation; and

"Whereas, It will be detrimental to the best public interest for said lands to be returned to the Tribe from the standpoint of future development and for the other reasons cited below:

(1) The livelihood of 26 ranch families is wholly or partially dependent upon said ceded lands. Large sums of money having been expended by the present owners of the patented lands for homes, grazing rights, roads, fences, water developments, perfection of water rights, and other range improvements, such purchases and expenditures having been made in good faith with reliance on clear title to their patented lands and with confidence that the use of the ceded lands would be perpetual, a return of said ceded lands to the Apache Tribe would, therefore, amount to confiscation of a lifetime of investments of money and management since the small private holdings would be practically valueless if stripped of the present grazing rights attached thereto.

(2) The return of said lands to the Apache Tribe would remove from the county and state tax rolls of Arizona approximately 32,000 acres of patented lands, all residential and ranch improvements and livestock, together with the income tax benefits which presently accrue to the state and federal governments.

(3) On February 18, 1931, said ceded lands were temporarily withdrawn from mining entry at the request of the San Carlos Apache Tribe, said temporary withdrawal being still in effect. Previous to this temporary withdrawal, many mining claims were located on said lands, some of which have been in production for many years and have, along with numerous other undeveloped prospects, strong possibility of developing into major mines. A heavy mineralized belt is known to exist and other portions of said ceded lands are known to be mineralized. Further discovery, exploration and development of these resources can best be accomplished by assurance of continuity of title, which would encourage investment of private capital resulting in the creation of new base tax properties and an added source of individual income. History of the development of the mineral resources on and off the Reservation strongly indicates that said mineral resources can best be developed and manage and the investment of private capital encouraged if title to said lands remains in status quo.

(4) In addition to its mineral, grazing, and other natural resources, said ceded lands provide an excellent habitat for numerous forms of native game animals and birds and the area is considered vitally important to many residents of the state for hunting, fishing and other recreational activities.

(5) Present conditions on and off the San Carlos Apache Indian Reservation prove conclusively that wildlife which abounds on said ceded lands can be best managed under the jurisdiction of the Arizona Game and Fish Commission with scientific management and trained, competent, and expert personnel, than under the Tribal Council of the San Carlos Apache Tribe, who lacks qualified personnel to handle game management problems on the Reservation at the present time.

"Whereas, By title of said lands remaining permanently where they now are, subject only to the issuance of new patents, the opening of prospecting for exploration and development and normal industrial progress, said lands can be better managed and developed to the greatest public good by the encouragement of the investment of private capital under free enterprise; now therefore be it

"RESOLVED, By the State Advisory Board of Arizona assembled in the city of Phoenix, Arizona, this fourth day of February 1959, that the State Advisory Board opposes the return of these ceded lands to the San Carlos Apache Indian Reservation; and be it further

"RESOLVED, That the Arizona State Advisory Board requests the Secretary of the Interior to take whatever steps necessary to permanently establish the title to said lands where they now are, and that action be taken to reopen said lands to mineral discovery, exploration and development, it being the unanimous studied belief that, for the reasons above stated, such will serve the greatest public interest; and be it further

"RESOLVED, That the Arizona State Advisory Board requests the Secretary of the Interior initiate and carry to completion the necessary steps to determine any and all legal and equitable rights which the San Carlos Apache Indian Tribe may have in and to said ceded lands and that after the determination of said legal and equitable rights to submit this determination through the proper Congressional channels and that a fair compensation be paid to the San Carlos Apache Indian Tribe; and be it further

"RESOLVED, That the Arizona State Advisory Board request that the National Advisory Board duly consider and render its support to this resolution and that copies of this resolution be forwarded to:

Arizona Congressional Delegates

MR. Roger Ernst, Assistant Secretary of the Interior

Director, Bureau of Land Management

Arizona Game and Fish Commission

Arizona State Land Commissioner

Arizona Cattle Growers' Association

Area 2 Wildlife Representative

Arizona Game Protective Association."

They recently held a hearing pertaining to this matter, but I checked with Senator Goldwater's office yesterday and, of course, it hasn't had time to have things come out, so there hasn't been a decision reached from the hearing they recently had.

MR. HUGHES: Isn't that an Arizona State problem that really hasn't anything to do with administration of grazing?

MR. ESPLIN: It has to be decided here.

MR. KERR: It is also a legal problem. I don't think the Department can handle this without legal advice or new legislation or something of that kind. What can be done is the ceded lands returned to the Tribe, and in that event there will be damages paid to the present users of the land. If the reverse is the case, if it is decided that the Indians would be better off being paid for the ceded land, then an appropriation would have to be made for it. Congressional action is needed.

MR. ESPLIN: These men in Arizona are very, very concerned about this. It concerns about 26 different ranches and a lot of property, and I know they are anxious to not let anything happen that will weaken their position on this, and they have asked us to bring this back here, and they are doing all that they can regarding the outcome of this particular problem.

MR. HUGHES: The only point I am raising, I don't think any of us have had time to go through this. I don't know if many of us would have any real idea of this. I suggest copies have been given to everybody and that the Board members read it and if they feel they are sufficiently interested to where they want to write their Congressmen, they do so. If we pass this resolution now, I am afraid it would take a long time to give it study and know what we are doing on it.

MR. ESPLIN: I think you passed just about the same one last year.

MR. HUGHES: We did? Then it is already adopted, no use of readopting it.

MR. ESPLIN: They prod me along to be sure that everything is done on this that can be done.

MR. HUGHES: I will have to admit that I didn't understand it last year, didn't remember it. Are there any further resolutions?

MR. ESPLIN: We have three or four more.

"Whereas, Public Lands are being disposed of either to individuals or to Governmental Agencies; and

"Whereas, Under existing law the grazing lessee, permittee or licensee has been compensated only for the value of the improvements upon the lands so disposed of, without compensation for the loss of grazing or the loss of the value of land as a part of his ranch unit, or without compensating him for certain changes which he may be required to make for replacement of range improvements; and

"Whereas, The livestock operators of the West, since the passage of federal laws governing the use of all types of federal lands have invested large sums of money in purchasing and building up their ranch units and continuously making improvements upon lands, which together with their patented and State holdings have a real and substantial investment and loss value; and

"Whereas, In the last few years thousands of applications have been made for acquisition of title to federal lands embraced within grazing leases or permits, and such applications are increasing day by day; now therefore be it

"RESOLVED, That the Arizona State Advisory Board, duly assembled at Phoenix, Arizona, on January 19, 1960, request the Congress of the United States to enact proper law for the full compensation for damages suffered by lessee, permittee or licensee when federal lands are disposed of, either for government purpose or to individuals; and be it further

"RESOLVED, That such legislation provide that the measure of damages for such loss shall be fixed by the laws of the State as in condemnation cases, and definitely include severance damages as an element of compensation for the loss of such land and its improvements, such compensation to be paid by the one seeking to acquire the land; and be it further

"RESOLVED, That the determination of the damages shall be made by the head of the Federal Department having control over said lands, with the right of appeal from the final decision thereof to the courts; and be it further

"RESOLVED, That a copy of this resolution be forwarded to the Arizona Congressional Delegation, President of the Senate and Speaker of the House of the Arizona Legislature, together with a recommendation that prompt action be taken to expedite the passage of said recommended legislation as emergency legislation."

The boys down in Southern Arizona, where there are thousands of these applications and land exchanges and these things are going on, say it is disrupting their operation something terrible.

It isn't a problem in our area.

I move the adoption of this resolution.

MR. HUGHES: Do the Board members understand the resolution; in general, it provides that where all or a portion of a permittee's allotment is taken from him, that the federal government should compensate him for his full loss.

MR. ESPLIN: Not only the federal government, but the other person benefiting might have to compensate him.

MR. HUGHES: I see.

MR. ESPLIN: In some cases the government did compensate him in the past, but this is to cover the loss by the person benefiting.

MR. HUGHES: In other words, to require the person acquiring the land to pay all of that loss.

MR. ESPLIN: All or part of it, whatever part he had caused.

MR. HUGHES: Mr. Lee.

MR. LEE: I was going to ask this: Was that a resolution that we passed at the American Cattlemen's Association?

MR. ESPLIN: I think it was recommended from Arizona.

MR. LEE: What has been bothering me since that was passed, that would require national legislation, wouldn't it?

MR. HUGHES: That is correct.

MR. ESPLIN: That is right.

MR. LEE: It couldn't be done by any action of the Department or any action of this Board. It would be a straight Congressional thing, wouldn't it?

MR. ESPLIN: That is right.

MR. LEE: If that is the case, I was wondering why we should take action. Why shouldn't we just put in our action that it has been presented. Mr. McMillan is down here now working on this in Congress, and I was wondering whether it would be proper for us to act on it here. I am for what you are trying to do. I am just wondering about the proper method.

MR. BROWNFIELD: Mr. Chairman, let me speak to this just a minute. Under the 1946 law now, any of your rights taken, when permits are canceled because of land being taken by the Army, you are compensated. The policy also by the Department, BLM, is now, if any of your land is taken that you have a permit on and there are improvements, the taker is required to pay for those improvements.

Now, then, if you adopt this, you want Congress to pass an Act that will fully compensate you for the loss of your grazing permit. If that should happen, our legislatures are watching very carefully for new sources of revenue, and if we should get that, my fear is that immediately our states would pass a law similar to the California law now, and tax you by the acre for all of your permitted land that you have use of.

That is the other side of it. We have to think about it. While I am on my feet, I would like to make another observation. In asking the government for more money all the time to improve these ranges and make watering places, the Outdoor Resources Review Commission is getting information from the Park Service on every water hole that the government spent any money to fix. They are liable to come out with a recommendation that every one of them be declared for permanent use for recreation.

That is another fear that I want to bring out to you to think about.

MR. KERR: Mr. Chairman, I think it might be well for you to consider also the statement that was made in Congress when this bill was before the Congress, providing for the reimbursement of grazing permittees who were losing their grazing rights in the McCracken Mesa because of an exchange through which the Navajo Indians were being granted lands in the McCracken Mesa area to replace lands taken from them, Navajo lands in the Glen Canyon area. The statement was made by one of the Congressmen that he wanted it thoroughly understood he is going along with this resolution, but it should not be considered as a precedent. The Taylor Grazing Act provides that no title or interest in the public land is vested in the permittee who was granted use of the land. What the Congress was doing through adopting this act in compensating the permittees for the loss of those permits on McCracken Mesa was going against that provision of the Taylor Act.

MR. ESPLIN: I would like to make one statement in that connection. I think the thinking of the boys from Arizona is out there in that particular area; maybe I would like to go out there and under proper filings and under proper Section 4 permit from the BLM construct a reservoir, maybe I spend eight or nine or ten thousand dollars and that will serve quite a large area and if they come along and select that land for some other use and the reservoir is still setting there, it may be that it isn't any good to the other man, but he has taken it from me and I spent a lot of money and they want to be compensated for the improvements that you placed on it.

MR. HUGHES: You are already compensated for loss of improvements.

MR. ESPLIN: I think for the cost of that improvement, but that improvement represents more than the money you spent to set it there.

MR. HUGHES: Then you are talking of value, not cost.

MR. ESPLIN: Yes, value. That is their feeling.

MR. LARIMER: I realize, along with the rest, what a serious problem this is, if a man loses some of his grazing privileges, it may put him out of business, that is true. I was thinking of a parallel case in private life which you, as a renter, which is the position we are taking, of our being renters of government land, we lease that land to an individual, then, after awhile, for some reason or another, we decide it would be more advantageous, or for another reason we decide to let someone else have it. In the meantime the man has put some improvements on the land. But then we decide to lease it to someone else, immediately the person who has had the land before, in addition to claiming the value of his improvements, can also sue for damages, which is what we are, more or less getting toward here. You want additional damages above the improvements put in.

I don't know but it would be a bad precedent. According to civil law, I don't think such a thing is normally done, unless such provisions are in the lease. It might be a bad precedent. I realize the seriousness of it, but I think we ought to go along with the regular law.

MR. HUGHES: Any further remarks?

I would make one suggestion that the resolution passed here should be to support this resolution rather than the adoption of it. If you would make this your resolution, to support the principle of the Arizona resolution, I think it might be a little bit better in form than the way it is written now.

MR. ESPLIN: I would be willing to do that.

MR. HUGHES: The motion now is to support in principle the Arizona resolution in this connection.

All in favor of that say "aye"; opposed. Carried, on that basis.

MR. ESPLIN: I have another resolution here. It pertains also to selection, but it is also the method that we have been following, we wish changed.

MR. HUGHES: Would you pardon me just a minute? Let's take a ten-minute recess. There are some older men here and I see that they are getting nervous and want to get out.

[There was a short recess.]

MR. LEE: Mr. Chairman.

MR. HUGHES: The court is now in session.

MR. LEE: I wondered if we were about through.

MR. HUGHES: Maybe we have some resolutions.

MR. LEE: Did we finish the Code changes?

MR. KERR: Unless you wanted some more discussion on that revision of 6(f), which is now in the mill.

Mr. LEE: I don't recall.

MR. KERR: That is the one I am inclined to go along with John on. It is less restrictive. We have the wording on sub-section 3 of that change. That is going to put the burden on the district manager and the advisory board. They will have to take a lot of pressure on it, but, nevertheless, it does give us far more freedom than the basis of action that we would like to take.

MR. LEE: We didn't pass a resolution on it.

MR. KERR: No. We didn't.

MR. LEE: Let's take it now while Jerry is still here.

MR. HUGHES: Jerry, you better come up here and talk where we can hear you.

MR. LEE: Jerry, are you going to leave?

MR. KERR: No.

MR. LEE: I was wondering, Mr. Chairman, if the proper way to do this was John's resolution yesterday wasn't it, why not you move that resolution and then we will have it open for discussion?

MR. HUGHES: All right. Does that pertain to the Code?

MR. HAY: Mr. Chairman, as you recall yesterday, when we were talking about this, there was one publication in the FEDERAL REGISTER, and the Director and Jerry stated this: In view of the fact that there had been some protests, that had not been finally put through. So in view of that, our state board meeting recommended that, if it was possible, the Council and the Bureau of Land Management adopt the rule that we adopted at our last Council meeting, which reads as follows:

"Recommended that 161.6(f)(3) be changed to read as follows: When the district manager, after referral to the advisory board, determines that the imposition of the full amount of the reduction in grazing privileges from current licensed use necessary to reach the grazing capacity of any range area will impose a serious hardship on the range users, he may refrain from imposing the same over a three-year period as demanded by the circumstances of the case."

I move the adoption of this. We discussed this.

MR. LEE: Second it.

MR. HUGHES: We discussed this rather fully yesterday, but possibly some of the Board members don't remember the major discussion. There is no material difference in this.

The motion is to adopt. There is some wording in the Bureau publication which John has left out, which our discussion, as now read by Mr. Hay, would serve the purpose of permitting some negotiations at the board level and would not make such a binding and fast rule that the board and the local range manager wouldn't have some discretion to go ahead and negotiate on it.

Do any of you want to make a further statement of just what is the difference between John's resolution and that which Mr. Kerr read yesterday?

MR. HEATON: Let's have him read it again.

MR. HUGHES: It is up here?

MR. HAY: This is the same one, identical, that we adopted at our last Council meeting.

"When the district manager, after referral to the advisory board, determines that the imposition of the full amount of the reduction in grazing privileges from current licensed use necessary to reach the grazing capacity of any range area will impose a serious hardship on the range users, he may refrain from imposing the full amount of the reduction forthwith and impose the same over a three-year period as demanded by the circumstances of the case."

They can do everything that they spelled out if they want to.

I move adoption.

MR. GRIEVE: Second.

MR. HUGHES: We discussed this thoroughly yesterday, if you remember, gentlemen. I will not call for further discussion, unless some of you really want it.

[The question was called for.]

MR. HUGHES: Let's have the question. All in favor of the resolution as read by Mr. Hay say "aye"; opposed "no". It is carried.

John, there was a 1-2-3 word change from the last year's language. If you want it in the exact language, give it to the reporter.

MR. GRIEVE: At the board meeting there was another proposed rule for the Code that was proposed by district managers and Mr. Hay and I were asked to present them to the Council. With your permission I will do so. I will start with the first one.

"After a discussion of the difficulty in proving 'wilfulness' in show-cause trespass cases, the State Board agreed to a suggestion made by the Wyoming State Office that wherever the word 'wilful' appears throughout Section 12, that there be inserted immediately thereafter the words 'or negligent.'

This refers to 43 CFR 161.12.

MR. HAY: Page 18 of the Code.

MR. GRIEVE: We present this to the Council for their consideration, but we do not support it. Do you want to act on these one at a time. I present it to the Council for its consideration.

MR. HUGHES: Does anyone want to make a motion along that line?

MR. LEE: I move that it be filed as part of the record, that it was presented. If they don't want to move for its adoption.

MR. HUGHES: I can order it done without a motion. You will put it in the record as it stands with no motion.

MR. HAY: Mr. Chairman, also at the state meeting, you men signed these Cooperative Agreement Forms. It is form 4-1119, dated August 1959, and it provides down here:

"It is further understood in case of default hereunder, that the permit, license, or lease, or renewal thereof issued to the Cooperator(s) and administered by the Bureau, and in connection with which these improvements are constructed, shall not be renewed or extended or any assignment thereof shall not be approved; and that such default may result in cancellation of the permit or license as provided in the Federal Range Code for Grazing Districts".

It was the opinion of our members that a grazing license or permit should only be canceled as provided for under the Code and that this clause in there was unreasonable and that the permittee or licensee before his permit should be canceled, we recommend that this paragraph be so modified to read as follows: "That the board recommend that the form be changed by providing in said Section 4(b) for a reference of the matter to the advisory board prior to the initiation of Section 161.6(d), cancellation procedures.

I believe it would be possible for a permittee or licensee to enter into an agreement with the Bureau of Land Management. Very sincerely and with the hope of being able to maintain, possibly through no fault of his own, it would be impossible for him, and I think he should have that clause as we have it in all these other things that his permit should not be cancelled because he does not maintain that improvement solely.

Although it is permissive, I think it is too strong language. I have that form here, if you want it. and we also go along and suggest on page 24, Section (f), of the Code, if you will turn to page 24, Section (f), we would say:

"Cooperative agreements. A licensee or permittee may enter into a cooperative agreement with the range manager for the construction and maintenance of range improvements on the federal range. Failure of the licensee or permittee to comply with the terms of such an agreement within a reasonable time as allowed by the range manager may result in cancellation of the license or permit."

We would insert there "as allowed by the range manager after reference to the advisory board."

We feel that the board would be fully aware of the circumstances and it would give the permittee or a licensee an opportunity to protect himself and it is our recommendation that you consider adding those words to the Code on page 24, paragraph (f), and modify the agreement accordingly.

Do you have that? If you are aware of that, I will move that the changes be adopted as recommended.

MR. HUGHES: Is there a second?

[The motion was duly seconded.]

MR. KERR: I was looking at the provisions of Section 161.9(d), under which the cancellation is taken, and we have to go through the process of --

MR. HAY: That is because this is spelled out in this paragraph on your form, paragraph (b) on the front page, right here.

MR. KERR: In the case of any cancellation, action must be taken pursuant to or in accordance with provisions of Section 161.9(d). We couldn't cancel a permittee because of what that says.

MR. HAY: It says here you can.

MR. KERR: It is subject to cancellation.

MR. HAY: It is permissive. We think the advisory board should have the right to be informed on that.

MR. LEE: We do it the other way down in New Mexico. We make a rule of the board and if they don't follow it, we cancel them out.

MR. HAY: That is all right, but you call them in.

MR. LEE: Yes.

MR. HAY: That is all we are asking for. We are not saying you can't cancel them, but we think they should be heard.

MR. KERR: In Section 161.9(d), on page 14, it says:

"In case of failure of the licensee or permittee to show cause within the time allowed, the license or permit will be canceled or reduced to the extent indicated in the notice. The range manager will consider any cause shown and, if satisfied of its sufficiency, will close the case; if not satisfied as to its sufficiency, or if no cause is shown, he will notify the licensee or permittee in person or by registered mail that the cancellation or reduction will become final unless an appeal to the examiner is filed in accordance with Section 161.10(a)."

I certainly don't object to your provision there, John, that is, that the matter be referred to the advisory board.

MR. HAY: That is all we are asking for.

MR. KERR: I don't see that that is objectionable at all.

MR. HUGHES: Very well. Is there any further discussion on the motion? All in favor of the motion say "aye"; opposed. Carried.

MR. HAYS: This question was raised by the officials of the Bureau of Land Management on Grazing District Advisory Board elections, 12/12/58. It says:

"Under Option 1.2 method of voting, some clarification is needed in this section as there are varying interpretations of the number of ballots that can be cast by one person who might be involved in more than one license or permit. In the forepart of the paragraph, it is stated 'only one ballot may be cast by the holder of any one license or permit...' Elsewhere in the section, it is indicated that the electors will cast 'one ballot each ...'

regardless of the number of licenses or permits issued to them. The general understanding has been that an elector may vote each license or permit that he can legally represent. However, it appears that the Code is not worded to permit this."

That is on page 3 of the Department of the Interior, Bureau of Land Management, General Procedures for Grazing District Advisory Board Elections, 12/12/58. And the method of voting is set forth. The particular sentence says, except that if he belongs to more than one class, he shall vote only for the candidates of the class in which his operations predominate, and so forth.

Now then, how does your Department interpret this, Jerry? They raised the question at our meeting. They said that Joe, Moe and Shmoe had a corporation. The license, the permit is in the name of Joe, More and Shmore corporation. That is one vote. There is no problem.

Then they said that Joe had a permit in his own name. Shmoe had a permit in his own name and Moe had a permit in his own name, and then Joe and Shmoe had a partnership. At one board meeting they ruled the corporation could vote. They ruled that Joe, Moe and Shmoe could not vote, and they denied a vote to the Joe and Shmoe partnership.

In our district the way we would interpret that, we would give the corporation the vote. We would give Joe, Moe and Shmoe a vote. We would deny the partnership a vote because the partnership consists of the same individuals. In other words, they would have had four votes in one district, in the other district they would have had one vote.

They feel the way it is written that it is confusing and they would like you to clarify that. That is a recommendation.

Can you in some way disentangle Joe, Moe and Shmoe for your fellows out in the field?

MR. KERR: I think that probably there is. They are certainly tangled up now. Of course, the election procedures, as you may recall, set up by Ferry Carpenter, were patterned after the County School Board elections, I think, in Colorado, Dan, if I am not mistaken. That is correct. The idea was that each individual who qualified should vote. There would be no voting, however, by proxy, and each licensee, I think it has been our practice all the time, each licensee is a qualified voter. If you have this Joe, Moe and Shmoe situation, such as you described, John, each of the members of the partnership who are qualified as licensees in their own name would be qualified voters. Then the partnership, certainly that operation has a license and is entitled to a vote. So then it would be a matter of Joe, Moe and Shmoe designating who was going to vote for the partnership, I imagine.

MR. HAY: I think, Jerry, you should write the district level and tell them how to interpret this paragraph 2 on page 3.

MR. KERR: Yes. Of course, one of the things that all of us want to do, I am sure, and that is to prevent any rigging of elections through proxy voting. That wouldn't be permitted. That is about the only thing that we are much concerned about. Otherwise, each permittee or licensee carries a vote, but we will take care of that.

MR. STRINGHAM: May I ask Jerry a question, please. Jerry, we have a big outfit in Utah, the Hatch Brothers, who run 10,000 sheep and several thousand cattle. Under Hatch Brothers they have a sheep permit and a cattle permit, and they have one vote, and they object to it. Would they have a right for two votes, one for sheep and one for cattle?

MR. KERR: I don't think so. I think they have one vote.

MR. LEE: They have to vote for whichever is the predominant end if they have more cattle or more sheep.

MR. STRINGHAM: Where is that very plain?

MR. LEE: In the Code. You vote for the class in which you are predominant.

MR. JONES: I would like to ask a question. We have a case like the gentleman from Utah. One is Allen Brothers, and that consists of a father and three sons, and they run sheep and then we have another case, John Allen and Sons, and he runs the cattle. One of these boys votes for sheep and the same boy votes for the cattle. They have a vote. Is that right or wrong?

MR. KERR: If my answer to Bri was right, I think they shouldn't be allowed two votes.

MR. JONES: It is the same vote, but a different name.

MR. LEE: If he is incorporated, they have a right to two votes.

MR. JONES: I don't think they are incorporated. One license reads Allen Brothers. That is the father and three sons. That is the sheep case. The cattle case says John Allen and Sons, and this one boy, a year ago, voted for the sheep men and the cattlemen.

MR. KERR: How is their operation carried on? Do they have different base properties for the cow outfit and sheep outfit?

MR. JONES: Practically all the same outfit.

MR. KERR: Practically, it is only a means of taking the license for the sheep and for the cattle.

MR. JONES: Yes.

MR. KERR: I think all he is entitled to is one vote.

MR. FAULKNER: I vote twice. I have a corporation and we have grazing privileges, and I vote cattle and sheep. We have two corporations.

MR. KERR: Two corporations?

MR. FAULKNER: Yes.

MR. KERR: They operate separately?

MR. FAULKNER: Yes. But I vote on both of them.

MR. KERR: That is all right. The fact that you operate the two of them, I don't think is any difference. There are two corporations.

MR. HUGHES: Are there any further matters?

MR. SWALLOW: This matter Mr. Hay brought up, I think, is rather important. I would like to ask Mr. Kerr for a little more clarification. It has caused considerable confusion at various times in our state. Mr. Kerr, do I understand that each license or permittee, say a partnership, could designate a person to vote that partnership or a corporation? Before you answer that, I would like to put it this way. For instance, say there was two or three corporations, could each one of these corporations designate the same person to represent them or would each corporation have to be represented by a different person or a partnership by a different person?

MR. KERR: I don't see why it would make any difference whether a vote was cast by one person or by two different people if each is entitled to a vote. It would be a question of how firm that designation was. I would want to look into that. What authority does he show, the person who is going to cast the vote, that he is representing each of these outfits?

MR. SWALLOW: I bring this up because I feel it is quite vital. At our election in District 4 in Nevada in November, the situation was such that in one instance I was representing three corporations as vice president of each corporation. I also represented three partnerships, and I was denied the privilege of voting as an individual, only as to one vote.

Of course, I took the position that a corporation was a separate entity and, as vice president, I would be entitled to vote, and I was duly designated. I was definitely denied the right to vote for these corporations, even though I had been designated, and that I was vice president of the three corporations. In the case of the partnerships, I was also refused the right to vote only in the instance of one.

MR. KERR: I probably was responsible for that ruling in your case, George. The facts, as they were presented to us at the time, I don't recall just what they were in detail, but it didn't seem to me that it was a proper setup. Maybe I was wrong. I didn't have all the information I should have had.

MR. SWALLOW: As an explanation there was a separate base for each corporation. There was separate base, separate entities, as far as each partnership is concerned. Each partnership was an individual outfit, even different individuals composing the partnerships. They weren't the same individuals.

In fact, on the partnerships, I was the only individual who was the same individual in each partnership, and they were separate bases, separate outfits, separate geographically.

MR. KERR: It seems to me something like this, that one outfit had all of the livestock, one company owned all the livestock, and they were parceled out to these various outfits, and on that basis they were requesting a vote in each one of the outfits.

MR. SWALLOW: It appears it was probably misrepresented to you. I can see that.

MR. GRIEVE: Mr. Swallow, how many licenses did you have?

MR. SWALLOW: Six licenses, actually six, yes.

MR. GRIEVE: So it appears to me you ought to have six votes.

MR. HUGHES: There is one further matter that Jerry wanted to discuss with you concerning Section 4.

MR. KERR: That last paragraph, John, that 161(f)(3), as I indicated, the flexibility provided by the wording that you supplied is probably desirable. Certainly it is worth a trial; as I have indicated, it is going to put the heat on the district manager and advisory board, as to how they will operate, but conditions do vary tremendously, we know that, and the wording that you have supplied does provide the flexibility that I think is necessary to take care of almost any circumstance.

Now, the other point that I asked yesterday, I wanted particularly to have your views on, was this provision in Section 4, which provides that, if an appeal is taken, that the decision, if it is affirmed in the final decision on the appeal, then the full amount of the reduction will go into effect immediately. They won't be given another three years in which to actually take their reduction.

MR. HAY: Jerry, our thinking on that is to leave it the way it is proposed. The district manager and the board can work that out with the permittee. I think that the material that you have in paragraph 4, if you would add that, it would confuse the issue and destroy the thing we are trying to do. Our great interest is trying to get these things worked out at the district level, and stop all these appeals and we feel that is the way we can do it. If you put four on top of that, I think you would destroy what we are trying to do. I think you should leave that out. I think, after all, we can work that out. I would leave 4 out entirely, and I think it should be as we proposed it.

MR. KERR: What is your thinking now if we leave 4 out? We are still going to be confronted with the possibility of appeals, John, where it isn't possible for the district manager and the board to get the group to go along with the district manager's decision, so that the reduction could be carried through on the three-year basis.

MR. HAY: Jerry, our idea of this is we figure we will be able to solve these things and eliminate the appeal.

MR. KERR: I appreciate that.

MR. HAY: The appeal procedure is established. There is no way we can alter that. We are hoping that it won't have to be used. If it does have to be used, and the permittee and the board and the district manager can agree on this plan, all they can say is, "There it is. This is what we are trying to do for you." They can't make him take it under any circumstances. You can't spell it out. I think if you leave it as it is, we can work that out.

MR. KERR: If we leave it as it is and you aren't able to work it out and an appeal is taken, what action do you think the Bureau should follow? Of course, we would have to stay the reduction within the unit until the appeal is processed which may take two, three or four years. At the expiration of the time, when the appeal process is closed, if the district manager's decision is affirmed, would it be your idea that we should apply the full reduction at that time?

MR. HAY: It is very possible. I would say that would probably be the sensible way to do it, in view of the fact that he has had time to correct his situation. We wouldn't be opposed to that.

MR. LEE: And you have the authority the way it is written.

MR. HAY: We take the viewpoint that is a strong possibility and we feel it is a strong thing for this.

MR. KERR: Your views on that is the point I want to get. That is fine. If I might impose on you for one minute, what is the view of the Council with respect to our meeting next year? Do you want at this time to decide that you are going out to Floyd Lee's ranch a year from next June and have a rodeo. Remember that Floyd doesn't let you get off the road. Or should we have our meeting back here in Washington, and if so, when?

MR. LEE: Jerry, the next annual meeting at this time will be after we have a new President and probably a new Secretary of the Interior and a new Congress.

MR. KERR: That is right.

MR. LEE: To my way of thinking, it would be much better that we meet back here and if they would like to come to the ranch, why, I would certainly like to have them any time in the summer, would enjoy it very much, and we might get special dispensation of the Pope or someone to let them walk off the road, not drive off the road. We would like to have them, if you could arrange some kind of a summer meeting down there, but I think it is very important next year we meet here in Washington, because we might even have a new Director. You can't tell.

MR. HORN: I surely think that is right.

MR. GRIEVE: Mr. Chairman, there is still one of these proposed changes proposed by the district managers.

MR. LEE: Let's settle the meeting first, shall we?

MR. KERR: Do you mind if we do that?

MR. GRIEVE: I will yield.

MR. KERR: I have a 1961 calendar here. How about the time of the year? Would you like to have it about the same time, is February all right? The later part of the month?

MR. HAY: I think later would be better.

MR. KIDD: I do too.

MR. HUGHES: When the Cherry Blossoms come out.

MR. LEE: The inauguration is in January.

MR. HAY: 20th to 25th of March.

MR. STRINGHAM: Second the motion.

MR. FAULKNER: Mr. Chairman, can they have it any time they want it; is that the idea?

MR. HUGHES: No, we have it when it is agreeable to the office here, of course.

MR. STRINGHAM: Will you make a motion? I will second it.

MR. HAY: All right.

MR. HORN: Was that a motion?

MR. HAY: Mr. Chairman, we move that the next Council meeting be held between the 20th and 25th of March 1961.

MR. HUGHES: At Washington.

MR. STRINGHAM: Second the motion.

MR. HORN: Could I have a little discussion?

MR. KERR: March 22nd is a Sunday, and Dee Brownfield has a cattle meeting right then.

MR. BROWNFIELD: We ought to leave it between the 20th of February and the 20th of March.

MR. HAY: Can we move it ahead a week?

MR. HUGHES: Dee says have it by the 20th.

MR. HAY: How about the 15th to the 20th?

MR. KERR: 16th through the 20th would be through Friday.

MR. HAY: That would be good.

MR. KERR: We will make the necessary arrangements for our conference room here.

MR. HUGHES: Are you figuring to start Monday rather than Tuesday?

MR. KERR: Would you like to start on Monday?

MR. STRINGHAM: Start on the 15th, so we wouldn't have to travel on Sunday.

MR. HUGHES: That would be too bad.

MR. KIDD: How does everybody know they will be here? I won't be here.

MR. KERR: I might not be here either.

MR. FAULKNER: You have to set a date. In Idaho we turn our sheep on the range in those dates, but that is immaterial.

MR. HUGHES: I don't think it makes any difference to the sheep whether he is there or not. Unless there is objection, we will have the understanding that the meeting will be called from the 14th through the 17th, inclusive, of March 1961. It will be in Washington.

We can discuss whether we want to have a meeting with all or part of us down somewhere in New Mexico and take advantage of spending a day or two going over the Floyd Lee setup. It would be worth your while, gentlemen.

MR. STRINGHAM: May I ask, Jerry, how is the budget? Why not pay our way to New Mexico, if we are doing business?

MR. KERR: We would be happy to do that, Bri. We haven't got the money to do it, but we would be happy to do it if we had it.

MR. HUGHES: If they had the money, they would do it.

MR. STRINGHAM: He said he would be happy to do it, and I thanked him -- period.

MR. HUGHES: Then you are ahead of him. But I strongly assume that, unless we can work out something at the next meeting, if we go down into New Mexico, we will do it at our own expense, but Floyd will agree to serve a meal once a day out in the open.

Is there anything else? All right.

MR. GRIEVE: This is a proposal to change the Federal Range Code that deals with short-term grazing leases.

The problem of one or two year leases of base properties and the upsetting influence on the management of livestock on the range was discussed in connection with 43 CFR 161.7(a)(2). We are told it is on page 10. Then it was the board's feelings that longer term leases should be required, but that base properties should not necessarily lose their qualifications if the transfer application is rejected. This could be accomplished by amending 161.7(a)(2) to read as follows.

"A transferee shall ... Where, however, a transfer, or a different vesting in any manner of a leasehold interest in land or water, including short term leases of base property, may result in interference with stability of livestock operations or with proper range management, upon a finding to the effect by the range manager, after reference to the advisory board, such land or water may lose its base property qualifications and grazing privileges based thereon may be denied."

I move the adoption of this to put in the Code.

MR. HUGHES: Did you all properly follow that? Does anyone want that reread, so you can follow it. Where are you putting this in?

MR. GRIEVE: On page 10 of your Federal Range Code, 161.7(a)(2), the middle of the paragraph, about half way down, where it says, "Where, however a transfer, or a different vesting in any manner, of a leashold interest", do you find that.

MR. HUGHES: "Where, however, a transfer, or a different vesting in any manner, of a leasehold interest", that is where he is talking about, I assume.

MR. GRIEVE: "interest in land or water [insert], including short term leases of base property [and then go on], may result in interference".

MR. FAULKNER: Just a minute. Excuse me. I guess I can't read good, but my partner can't either. It is under (2) under 161.7?

MR. HAY: That is right, in the middle of the paragraph.

MR. GRIEVE: Down through "interest in land or water".

MR. BROWNFIELD: After the word "water" insert the words "including short term leases of base property".

MR. GRIEVE: "including short term leases of base property" inserted in there.

MR. BROWNFIELD: Doesn't the "short term leases" come under the word "different"?

MR. GRIEVE: It should, but this is a recommendation that comes from one of your district managers, Jerry's district manager out there. I didn't work out the wording. I am not prepared to argue that, Dee.

MR. KERR: It would be my view that the language as now provided here takes care of just that situation, because it says "of a leasehold interest". "Where, however, a transfer or a different vesting in any manner of a leasehold interest in land or water may result in interference with stability of livestock operations". If you have a leasehold interest, that extends for five years, there is no problem. They have had yearly leases, they change yearly. Sometimes new fellows come into the range area. They don't know the other operators, where they operate, where they are supposed to go, and it is terribly upsetting, but I think the wording of the resolution, as it is now worded, takes care of that situation.

MR. HUGHES: That is the only change.

MR. GRIEVE: There are two other changes, the word "will" is changed to "may" in the only two places they appear, Judge, in the rest of the paragraph.

MR. LEE: They are not asking that that be passed here, any resolution; therefore, I think the chair ought to file it -- and in our state we take care of that by local board rule.

MR. O'CONNELL: Mr. Chairman, from my understanding of the original code, you are attempting to deny that range property, those rights to the man who holds them. It looks to me like you are going to jeopardize your property rights.

MR. KERR: There is no intention of jeopardizing them as long as they do not interfere with the operation, livestock operations in the area. It is only in the case of these short-term leases, that is what they are hitting at, Frank, and it has been reported to us here, they had some cases there in Colorado, and I believe some in Wyoming which the district men reported it to Clarence and John, where these leases are changing hands from year to year almost, and it does raise Ned with livestock operations in those areas.

We are not denying or taking away the grazing qualification. It may be done, but we can deny the license to an individual who is operating on that kind of a basis.

MR. HUGHES: You have the one word there "may", "may result". It would be up to the local manager and the board to determine whether it does or does not result in an interference. Unless there is objection, the record will show that this proposal was brought before the board and no action was taken on it.

MR. ESPLIN: I have two or three short resolutions I would like to read. They are in the folder here. The next one is on classification.

"Whereas, Considerable public land is now being classified as suitable for public sale under the public land disposal laws without advising the lessee or permittee of such lands of the appraised value placed on such lands prior to publication of notice of sale; now therefore be it

"RESOLVED, By the Arizona State Advisory Board, duly assembled at Phoenix, Arizona, on January 19, 1960, that the Bureau of Land Management be required to advise the grazing lessee or permittee of the appraised value of such lands proposed to be sold when he is notified of such classification for sale."

The case down there is that they don't know what the land is valued at until it comes up for sale, and in the cases down there, some of that land is being valued as high as $75 to $100 an acre for other purposes, and I think under the regulation, if the district grazer or the state administrator sees that that is going to upset some going concern in a base way, he has the right to refuse to classify that land. But the fellow that is concerned, he may be willing to bid on it and buy it if he knows it is not valued clear out of his field, and he wants to be advised of the appraised value at the time he is advised it will be brought up for sale.

MR. HUGHES: What notice do you give to the permittee now?

MR. KERR: We advised the Arizona Cattle Growers that that was a matter that could be worked out with the local state supervisor, and it can be, so the notice can go out to the user. We don't have to have a rule on it. We suggested to Mrs. Keith that she present the problem to the state supervisor and that was done, I am sure. I think it can be worked out very satisfactorily.

MR. ESPLIN: That is their concern, that they know what the valuation is at the time it is offered for sale, so they can argue against it being brought up for sale if they desire to. They felt they were at a disadvantage, because, say, the day of the sale it is valued at $75 an acre, and then they have no chance to argue against it being sold.

MR. HUGHES: Is that satisfactory?

MR. ESPLIN: Yes.

We have two more. The next one has been covered pretty well, but they are anxious we get on record that we oppose the Wilderness Bill. I would like to read this Wilderness Legislation resolution.

"Whereas, National legislation and regulation establishing wilderness in wild or primitive preservation areas are contrary to the multiple-use principle in management of federal lands; and

"Whereas, Federal agencies now control approximately 80 per cent of Arizona lands, thus limiting our normal tax resources; and

"Whereas, Tax limitations are detrimental to the growth and expansion of our state industries; therefore be it

"RESOLVED, By the Arizona State Advisory Board, duly assembled in Phoenix, Arizona, on January 19, 1960, that the Governor, Legislative and Congressional Delegations of the State of Arizona, and other interested groups be requested to take all possible steps to prevent any change in the present multiple-use management of National Forest and Bureau of Land Management administered lands in Arizona."

I move the adoption of that.

MR. HUGHES: Is there a second to the motion?

MR. HEATON: I will second it.

MR. HUGHES: Did you gentlemen hear the motion?

MR. GERBER: It shouldn't be confined to Arizona. Isn't that our general thinking all over?

MR. ESPLIN: This came up to the state board and they put it that way.

MR. HUGHES: The substance of the motion is that we go on record as opposing any interference with the multiple-use concept in connection with public lands, either in the Wilderness Bill or anywhere else, isn't that right?

MR. ESPLIN: Yes, that is it.

MR. HUGHES: All in favor of that principle say "aye"; opposed.

MR. LEE: You are not using that statement?

MR. HUGHES: We are going on record as opposing in general this bill.

MR. LEE: You only have 71.4 per cent government land and not 80 per cent. You will want to correct that.

MR. ESPLIN: These people gave it to me.

MR. HUGHES: We have one county in Colorado where it is 96 per cent government land.

MR. ESPLIN: Next one is limiting game increases.

"Be it RESOLVED, By the Arizona State Advisory Board, duly assembled at Phoenix, Arizona, on January 19, 1960, that the wildlife use of Public Lands administered by the Bureau of Land Management be not increased to conflict with the present allotted numbers of livestock on these lands; and be it further.

"RESOLVED, That the Arizona State Advisory Board go on record as opposing the importation or introduction of wildlife into new areas of range land or on lands not now supporting such game animals without prior approval of the livestock interests of the range lands involved."

MR. HUGHES: Did the board members get the gist of the resolution?

MR. HAY: I think we ought to work our wildlife problems out at the district level. We get along fine out there, working with them. I hate to set up something there that gives them something to be mad at us about.

MR. ESPLIN: Mr. Mathews referred to this in his talk and said that was agreeable.

MR. HUGHES: You will get into trouble right away. They brought in moose and antelope between Grand Junction and Delaware, where at least for 400 years there have been no antelope, and if you want to tell the game and fish department, you can't do that, you will be in trouble.

MR. ESPLIN: It isn't our thinking that they can't do it, but when they do it, they should work out an agreement of the numbers and where they will range without turning them loose without our knowing what they are going to do, that they come out and work out arrangements to do it before they do it. We don't say they can't do it, but we would like them to work out an agreement and we have some understanding of what they will put in there.

MR. HUGHES: All right, what the motion goes to would be an endorsement by this Council that prior to bringing animals into a new habitat, I guess that is the wild animals, which is the proper term, that the fish and game departments of the several states work out the agreement with the Bureau of Land Management.

MR. LEE: They brought those Barbary sheep in and they just raised cain, and even the wildlife people are sorry now. They didn't bring them in in your area, the Barbary sheep.

MR. ESPLIN: No.

MR. KIDD: The Area 2 meeting went on record as not favoring the importation of Barbary sheep.

MR. LEE: Maybe this will stop it.

MR. HUGHES: In our state they bring out a few buffalo once in awhile, and somebody kills them.

MR. ESPLIN: When they introduce new species in a new area, they should work out an agreement with the people who use it. There we don't say they can't put them in.

MR. HUGHES: Any further discussion? If not, I will call for a vote. All in favor of the motion say "aye"; opposed. Carried, on the basis that that principle is approved by the National Advisory Council.

MR. ESPLIN: That is all I have.

MR. JONES: I have a resolution I would like read.

MR. HUGHES: All right.

"Whereas, The present regulations, whereby the receipts for Bureau of Land Management Public Domain timber sales are purportedly allocated back to the Bureau of Reclamation in the amount of 95 per cent of the total with nothing going to the respective states or counties, are wrong and unjust and contrary to all presentday concepts of public land management; and

"Whereas, Nearly every Public Lands Committee of various state and local organizations for the past several years has submitted resolutions to correct this situation, yet no conclusive results are in evidence; now, therefore, this board

"Resolves to add its protest to this outdated regulation for distributing the aforesaid moneys and requests the petition of the National Congressmen of our states and the National Advisory Council to secure some positive action for the correction of this long over-due distribution of these public funds, by making a study of the situation to correct the present regulations, so that a reasonable proportion of the moneys obtained through Public Domain timber sales be returned to the counties in which the timber was produced, to be expended by these counties."

MR. HUGHES: Is there a second?

MR. GERBER: I will second it.

MR. HUGHES: You have heard the resolution which, in effect, is that we want a portion of all timber sales returned to the county for general county purposes, as I understand the resolution.

MR. LEE: I thought the Director said in his talk this morning, what is going back to the counties up there?

MR. KERR: Grazing receipts, of course, you know 12-1/2 per cent goes to the states; 25 per cent goes into range improvement, and then the balance goes into the Federal treasury.

MR. LEE: But the Director said up in the timber land they were sending back 25 per cent for the roads, as I understood it.

MR. KERR: That is on the O&C land, Floyd.

MR. LEE: The Director said on timber land.

MR. GERBER: That is O&C land.

MR. LEE: I was wrong.

MR. HUGHES: Does any timber receipts go to the county?

MR. TUDOR: Yes, but I don't know the percentage.

MR. HUGHES: Do the states get a portion of the revenue?

MR. TUDOR: Yes, the states get a portion of the revenue. They get a portion of the revenue of all sales of public lands.

MR. GERBER: Ninety-five per cent goes to the Bureau of Reclamation. None goes to the counties. On Bureau of Land Management land, we think a portion should be returned to the counties in which the timber originated.

MR. TUDOR: There is very little timber on BLM lands beyond the O&C. He is talking about the Forest Service lands probably.

MR. JONES: I might state in Southeastern Idaho there were sales of $6282.94 last year, and we don't have too much timber.

MR. GERBER: I know it ran $2 million last year on BLM land, not counting O&C.

MR. HUGHES: There is timber land in Southwestern Colorado, BLM land.

All right, gentlemen, it appears there is none going to counties now as far as we can find out. Are you ready for the question?

[The question was called for.]

MR. HUGHES: All in favor of it say "aye"; opposed "no." Carried.

Further resolutions?

MR. FAULKNER: I don't have a resolution, but we have talked about money a little bit, and I wonder if a resolution was drawn up, it would be so supported as to ask for the 4 or 5 million dollars in addition to what we are getting from the BLM range rehabilitation in our Western states, if we would draw up such a resolution, if the board would see fit to send a letter to our Western Congressional people asking for such an appropriation.

In other words, instead of putting it in the minutes, if we need it or whether we want it drawn up in the form of a letter and send it to our Western Senators and Representatives for range seeding and brush control, water development, and such as that.

I brought a request that Idaho had made, and I thought maybe the others would endorse it. I believe it ended up by saying that the other states were for it, and it was passed unanimously, and I wondered if we need something like a letter direct to our Senators and Representatives from the Council.

It could be to them from the Council, not to any particular one. It should be to all of them, and I wondered if you get the information. I don't have it. We would have to get it. We need information about the number of acres we would need to have reseeded in the Western states, perhaps the amount of land we would have to have the brush controlled on or sprayed.

I wondered if we could get that done tonight or before our meeting in the morning, if we could get it signed by our chairman before he leaves after the meeting tomorrow.

I would like discussion on it. If it is feasible, I would be glad to try to get some of the Bureau boys to help me prepare such.

MR. HUGHES: The trouble with that was that we were trying to get through tonight. Maybe we won't.

MR. FAULKNER: We haven't gone into our executive meeting yet.

MR. HUGHES: It won't take very long.

MR. HORN: I have a slight suggestion, and it was in the form of a resolution that might fit similarly. I don't know whether it would fit this or not, but this resolution of mine, I will read it. I just wrote it a little while ago, and it isn't too well worded.

RESOLVED, That the National Advisory Board Council go on record requesting the Bureau of Land Management to get data together in regard to their 20-year range-improvement plan and make such material available to our Congressional delegation from our Western land states by next August, and ask that we receive moneys to carry on such a program. It is thinking along that line. Your suggestion might better be followed, I don't know.

MR. KERR: I think you are asking for the impossible. I am sorry to bring up such a point. But the Director has explained to you how these budgets are made, and the Department gets the ceiling for the entire department, and then they make a division, allotting certain amounts of that ceiling to each of the various agencies in the department. Of course, each agency submits to the Department in advance of that the appropriation they would like to have and need to carry on their program, and when it gets into that stage the Director of the Bureau would be severely criticized if he independently went to the members of Congress and told them what we would like to have, because that information isn't supposed to go out until the President gives it out in his message to Congress, the following January.

MR. HORN: I think possibly Mr. Faulkner's idea is a better approach to it. I was thinking along the same lines. We need something to call their attention to this 20-year plan that we are trying to do something about, and it seems like the Congressional delegation, we don't make enough noise in range to get our wants heard.

MR. KERR: This 20-year program, there is no question about that, that is a public document now. That could be sent to Congressmen or anybody else, if they don't have it. Keith Thompson didn't have one this morning.

MR. FAULKNER: Mr. Chairman, it is a little different situation. Maybe I am wrong, Jerry. I am certainly not trying to run your business. I have a helluva time with my own. But, on the other hand, I have talked to the Senators and different people, and we may have a new Secretary, we may have a lot of things new. But we can't do anything as of this year, as I understand it. But if we can get some requests in there for the future, and not as the Bureau put it in, but I mean as the Council would put them in.

MR. FAULKNER: In our area, in Idaho, until two or three years ago, there was great difficulty, except in extraordinary circumstances, to get any matching money. But up there now there is matching money. Not that we are making any money, don't get me wrong now. You can get all the money you need to match with. In other words, our protest meeting in District 5 the other day, there were three or four different groups that wanted different range improvements, and the district range manager said, "We would like to go along with you, but we don't have the money. But if you want to go ahead and do it with all your own money, we will keep a record of it and, if there are some improvements that go in, we will go 100 per cent on those, to offset what you do on this one."

They had no money up there to do anything with. We have been hit with more than our share of the weed, but we have them. If we didn't get the weed money in Idaho, they would be in everything. We have had considerable the last number of years. We need money. I thought if the National Council asked for the money and sent a request to our Senators and Representatives, we are not trying to get the Director in trouble or anybody else in the Department. We would like a little bit of money to spray brush and do some seeding and develop water and various things in our state.

MR. KERR: My remarks weren't aimed at your suggestion, but Leonard's suggestion.

MR. HORN: If we have a 20-year program and Congress falls down on us and we won't put the money out that we asked for a number of times and they keep cutting down the amount all the time, I don't see why in the world the Director hasn't got on a perfectly good basis, the right to say, "We would like to get on with this program, and we haven't got even our funds in the past." I don't see how it puts anybody on the spot.

MR. KERR: It does.

MR. HUGHES: Are you gentlemen talking about money to implement the 20-year program?

MR. FAULKNER: I don't think we ought to go into their program. I don't think we know enough about it. I think we should stick this up from what I have talked to our Senator about, several meetings with Senator Dworshak. He said it is very hard to get money for Idaho, but if he could get a request to all the Western delegation, then maybe they could work together and get something done for us.

MR. STRINGHAM: Let me solve this quickly, because we really are getting tired and irritated and want to go home. I can solve these problems if you listen carefully.

We have this resolution by Henry here, and this resolution by me, which does the very same thing they want to do, and I move that we send these resolutions to each of our Congressmen, Senators and Congressmen, now they are here and ready to go. That will take care of it, because we ask for the $480,000 which you say you don't think it is possible to get this year. My Senator says it is.

I so move, that these resolutions be sent to each of our Senators and Congressmen.

MR. HUGHES: That is a resolution that has already been passed.

MR. STRINGHAM: Yes. Those two were, relating to the 20-year program.

MR. FAULKNER: I agree with you on that, but I am talking about the additional 5 million which would almost be impossible. Senator Dworshak told me maybe they could get something done on that to get that brought back into the picture, because it was originally in there, but this other is new business, and he says it is too late to get it in this year. That was his statement to me.

MR. STRINGHAM: Jerry, can your Department see that they go out?

NR. KERR: No, sir.

MR. STRINGHAM: We will have to do it through the board by some means.

MR. KERR: Yes.

MR. STRINGHAM: I so move.

MR. McKNIGHT: Second the motion.

MR. LEE: Point of information. As I remember back through the years, when this Board was set up and under the law we were set up, they charged us very, very carefully and very firmly that here you are brought back here as a government employee, you are drawing government pay, and you came back here to pressure the Congress to get money through working by one department bringing pressure to bear on the Congress, the board would be eliminated. Isn't that about the way it was said, in those terms?

MR. KERR: There was a very, very strong feeling in that direction, yes, sir.

MR. LEE: I think you are treading on very dangerous ground, because some of your Eastern Senators will say, here you are just paying a bunch of these guys to come back here and lobby, and get your Secretary of the Interior into trouble.

I think those things ought to be handled personally by you fellows while you are here. Go and see your Senators and Congressmen and work it out that way. When you start putting it through this board, I am afraid you are on very dangerous ground.

MR. STRINGHAM: I withdraw the motion, but with the firm commitment from each one of you that you will see that you send these two to your Senators and Congressmen. I will withdraw my motion on that basis.

MR. HUGHES: There is no other motion before the house that I know of. Do we have any more motions?

Mr. Brownfield.

MR. BROWNFIELD: With apologies, because I hate to take up time when I know you want to go into executive session, you were all supplied with the pink paper coming from Arizona and I am not going to read it. I will not take that much time. I hope that you have all read it and understand it. If the Secretary should rule in favor of the Indians, he would set a precedent there that may be every tribe in the United States would come in and ask for more land. In order to call attention to the Secretary, I move that this be made a part of the record.

MR. HUGHES: It has already been done.

MR. BROWNFIELD: I beg your pardon. I withdraw it. I didn't know it had been done.

MR. LEE: I move we go into executive session.

MR. HUGHES: The motion is that we now go into executive session.

[The motion was duly seconded.]

MR. HUGHES: All in favor say "aye"; opposed "no." Goodbye, boys.

[Whereupon, at 4:30 o'clock p.m., the Council went into executive session.]

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